



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: August 22, 2024 REPORT NO. PC-24-041
HEARING DATE: August 29, 2024
SUBJECT: ALUC OVERRULE AT 2345 KETTNER BOULEVARD, Process Five Decision
PROJECT NUMBER: [1107392](#)
REFERENCE: [Item 330, City Council Meeting on July 16, 2024](#)
OWNER/APPLICANT: Inside Voice Ventures, LLC

SUMMARY

Issue: Should the Planning Commission recommend that City Council approve a Site Development Permit for an overrule of the determination of inconsistency with the San Diego International Airport (SDIA) Land Use Compatibility Plan (ALUCP) by the San Diego County Regional Airport Authority (SDCRAA), acting as the Airport Land Use Commission (ALUC) for San Diego International Airport (SDIA), to allow a land use deviation from the maximum land use intensity limit ("Overrule") for the site located at [2345 Kettner Boulevard](#) within the [Downtown Community Planning Area](#)?

Proposed Actions: Recommendation to APPROVE Site Development Permit No. 3260729.

Fiscal Considerations: No City expenditures are being approved with this action. All costs associated with processing of this Overrule are paid through a deposit account by the Applicant.

Code Enforcement Impact: No code enforcement impact. There are no active code enforcement cases on the property.

Housing Impact Statement: There are four existing residential dwelling units on the subject site. This overrule allows for future development that does not include residential land uses, which would result in the loss of the four existing residential dwelling units. Future development of the site will require all necessary permits to allow for construction.

Community Planning Group Recommendation: On February 21, 2024, the Downtown Community Planning Council voted to 14-0 to recommend approval of the Overrule with no conditions.

Environmental Impact: The Development Services Department completed a California Environmental Quality Act (CEQA) review for the Project. On July 1, 2024, the Environmental Analysis

Section (EAS) determined that the Project is consistent with the previously certified City of San Diego Downtown Environmental Impact Report (SCH# 2003041001). Development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan (DCP), Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) Subsequent Addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932, respectively); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolution R-30614); February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561).

Development within the DCP area is also covered under the following documents, referred to collectively as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP) Project No. 416603/SCH No. 2015021053, certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R- 310595).

The Downtown FEIR and CAP FEIR are "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency. The environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation or review is required under CEQA. All environmental documents for the [DCP area](#) and [CAP FEIR](#), are available on the City website.

BACKGROUND

On November 9, 2023, the Applicant submitted an application for Site Development Permit (SDP) No. PRJ-1107392 to allow a deviation from the intensity thresholds established in the Airport Land Use Compatibility Overlay Zone (ALUCOZ) of the San Diego Municipal Code (SDMC). The deviation includes raising the maximum land use intensity limit, increasing the ancillary use area, and allowing other uses for the Visitor Accommodation use provisions as outlined in Table 132.15I of the SDMC Section 132.1515(h). Proposed uses identified as limited within the ALUCOZ that deviate from intensity thresholds are required to obtain a consistency determination from the ALUC prior to approval of the use pursuant to Section 132.1550(c) of the SDMC. If ALUC determines a proposed use is inconsistent with the ALUCP, then an overrule action by the City Council may be requested as a Process Five SDP pursuant to Section 132.1555.

On December 15, 2023, an application was submitted to ALUC for a Determination of Consistency, and a determination letter from ALUC was received on January 5, 2024, determining that the proposed uses and intensity are inconsistent with the ALUCP. Pursuant to Section 21676.5(a) of the CPUC, the City Council has the authority to overrule the ALUC's determination. Upon receiving the ALUC determination of inconsistency, the Applicant requested to proceed with a City Council overrule of the ALUC inconsistency determination.

On July 16, 2024, the City Council voted 9-0 to propose to overrule the SDCRAA's determination of inconsistency and direct staff to send the Notice of Proposed Decision to Overrule to ALUC, Caltrans Division of Aeronautics, and SDCRAA as the Airport Operator (Resolution No. 315687) (Attachment 9).

In accordance with [SDMC Section 132.1550\(c\)\(2\)](#), the SDP application is before the Planning Commission for a recommendation to City Council, prior to the second City Council hearing for a final decision on the Project, including the overrule request and SDP in accordance with CPUC Section 21676.5(a) and [SDMC Section 132.1555](#).

DISCUSSION

Site Description:

The subject site consists of five parcels (2311- 2345 Kettner Boulevard and 2328 India Street) totaling approximately 24,754 square feet (SF) and is located at the northeast corner of Kettner Boulevard and West Juniper Street in the Little Italy neighborhood (Attachment 1). The site is also within Safety Zone 2E Centre City – Little Italy of the ALUCOZ and the 75+ decibel community noise equivalent level (dB CNEL) noise exposure contour. The site is currently developed with one and two-story residential, retail, and office buildings.

The subject site is within the Mixed-Commercial land use district of the Centre City Planned District (CCPD-MC), which accommodates a diverse array of uses, including residential, artist studios, live/work spaces, hotels, offices, research and development, and retail. The site is surrounded by a mix of low density residential and commercial uses (Attachment 2). To the north of the site are one-story retail shops and artist studios; to the east are one and two-story residential units; to the south across Juniper Street is a three-story mixed-use residential development with ground floor commercial; and to the west across Kettner Boulevard are one and two-story event spaces, offices, retail shops, and artist studios (Attachment 3).

Project Description:

The proposed use is to allow 60 guestrooms and supporting offices totaling 24,238 SF, a wellness center of 6,721 SF with a locker room of 1,694 SF, offices totaling 5,300 SF, two restaurants totaling 6,831 SF, and a rooftop garden and underground parking for a total of 43,090 SF on a property of 0.57 acres. The proposed use requires an Overrule to allow a land use deviation from the maximum land use intensity limit pertains to the Visitor Accommodations use category of the ALUCOZ. The Overrule raises the maximum land use intensity limit, increase the ancillary use area, and allows

other uses (restaurant and office) for the subject site as listed in Table 1 below. An application narrative and supporting diagrams are included with this report (Attachments 4 and 5).

As described above, the Overrule is for a deviation from Safety Compatibility of the ALUCOZ. The project was found to be compatible with noise and airspace protection. ALUC acknowledged the location of the site in the 75+ dB CNEL noise exposure but does not state an inconsistency or objection based upon noise. In addition, ALUC stated that the project would be compatible with the ALCUP airspace protection surfaces provided that the structure is marked and lighted in accordance with a Determination of no Hazard to Air Navigation from the Federal Aviation Administration and an aviation easement for airspace to be recorded with the County Recorder.

Permits Required:

A Site Development Permit per SDMC Section 132.1550 is required since the proposed use deviates from the intensity thresholds for Visitor accommodation within Safety Zone 2E – Little Italy in Table 132-15I and an overrule action by City Council was requested pursuant to Section 132.1555.

Deviations:

Safety Compatibility

The ALUCP contains safety compatibility standards that establish a maximum intensity within each safety zone. The goal of the safety compatibility standards is to protect the public health, safety, and welfare by prohibiting certain sensitive land uses within a safety zone and limiting the number of people in areas at highest risk of aircraft accidents. The subject site is located within one of eleven safety zones surrounding the SDIA runway: Safety Zone 2E Centre City - Little Italy (Attachment 6).

In the ALUCOZ, Visitor Accommodations within Safety Zone 2E in the Airport Land Use Compatibility Plan are conditionally compatible provided certain regulations are met such as limiting Visitor Accommodations to no more than 56 rooms per acre and prohibiting other uses unless ancillary to the hotel use. Ancillary uses are defined in the ALUCP Policy S.9 as uses primarily intended for use by the employees and occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area of a building. Accordingly, the 24,754-SF (0.57 acre) subject site allows for a maximum of 32 hotel guest rooms. The Overrule raises the maximum land use intensity limit from 32 hotel guest rooms to 60 hotel guest rooms, increases the allowable ancillary use area from 10% to 15.6% of the total gross floor area of the building, and allows other non-ancillary uses for the site. The ancillary uses include hotel amenities such as spa, massage, gym, etc. The Overrule raises the maximum land use intensity limit, increases the ancillary use area, and allows other uses (restaurant and office) identified in Table 1 below for the subject site. This action is necessary for a development project to move forward at the subject site. Future development of the site will require all necessary permits to allow for construction.

	Maximum Allowed	Proposed	Difference
Hotel Guest Rooms	32 Rooms	60 rooms	+28 rooms
Ancillary Uses ²	10% (4,309 SF)	15.6% (6,721 SF)	+5.6% (2,412 SF)
Other Uses	Not permitted	Restaurants and Offices	+ Restaurants and Offices

¹ For visitor accommodations, no more than 56 rooms per acre, no conference facilities, and no other uses unless ancillary.

² Ancillary uses are primarily intended for use by the employees/residents/occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area per Airport Land Use Compatibility Plan - Policy S.9.

Airport Overrule

Based on the requested deviation above, the ALUC determined that the proposed uses and intensity are inconsistent with the ALUCP (Attachment 7). Subsequently, the Applicant requested an overrule of the ALUC determination pursuant to Section 21676.5(a) of the CPUC. The CPUC requires two hearings for any decision to overrule a determination of inconsistency. The first hearing is to adopt a resolution to propose an overrule, a copy of which will be sent to ALUC, the Caltrans Division of Aeronautics of the Department of Transportation, and the SDCRAA as the Airport Operator to provide formal notification of the City's proposed decision to overrule. The ALUC and Division of Aeronautics may provide advisory comments to the City Council within 30 days of receiving the resolution of the proposed decision. A final decision to overrule the ALUC cannot take place less than 45 days after the notice of the City Council's proposed action.

In addition, the CPUC Section 21678 states that "with respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to the property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation." This section could eliminate liability from the airport operator if the City should choose to overrule the inconsistency determination.

A Notice of Request for Airport Land Use Compatibility Overrule Hearing was mailed to all property owners and tenant occupants within a 300-foot radius of the subject site on February 14, 2024, pursuant to Section 112.0301(e) of the SDMC. As of the date this report was published, no public comments have been received regarding the proposed airport overrule.

Intensity Calculation Methodology

The applicant submitted an application narrative and supporting diagrams included with this report as Attachments 4 and 5. In the submitted documents, they describe the Overrule as compatible with

the land use intensity of the surrounding existing uses. The California Airport Land Use Planning Handbook measures and compares compatibility of land use types using intensity (the number of people per acre) and defines compatibility as “uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or (safety) hazards.” The applicant surveyed similar uses and occupancy levels (people per square-foot) within a two-block radius of the subject site to compare the proposed land use intensity for the site to existing surrounding sites, as shown on the diagrams (Sheet AP051, Attachment 5). Based upon the survey, the applicant determined that the average occupancy level of the blocks surrounding the subject site is 309 people per acre.

Pursuant to Section 132.1515(h) of the ALUCOZ, hotel uses cannot contain other uses unless they are ancillary to the hotel use. The overrule will allow visitor accommodations use with non-ancillary uses. In this case, the land use intensity is calculated as a mix of two or more nonresidential uses, per Section 132.1515(c)(3)(B)(iv). Given the intensity for each use in Section 132.1515(h), the overrule will allow for an average land use intensity of 438 people per acre for the subject site, as shown in Table 2 below; however, as the applicant’s survey concluded, the average intensity for the block (includes the subject site and abutting existing properties) would be 270 people per acre (Sheet AP052, Attachment 5), which is 39 people per acre less than the average occupancy level of the blocks surrounding the subject site (309 people per acre). The intensity calculations are explained in full in the draft findings included within the Draft Resolution.

Table 2 - Occupancy Load			
	Occupancy Factor	Proposed Uses (SF)	Proposed Occupants (people per acre)
Hotel Guest Rooms	200 SF/person	20,196 SF	100
Ancillary Uses	215 SF/person (Wellness)	6,721 SF	11 ¹
Other Uses	60 SF/person (restaurant)	6,831 SF (restaurant)	114
	215 SF/person (office)	5,300 SF (office)	25
Auxiliary Back of House	0	4,042 SF	0
Total Occupancy		43,090 SF	250
Site Area		24,754 SF (0.57 acre)	
Total Occupancy Level for Site			438 ²

¹ Based on the 2,412 SF beyond the 10% ancillary use limitation per Footnote 5 to Table 142-15I of Sec. 132.1515(h). 4,309 SF of ancillary use is permitted by right.

² Total occupancy for the site is derived from 250 people / acre divided by 0.57 acre

Community Plan Analysis:

Downtown Community Plan Analysis

The Downtown Community Plan (DCP) includes goals and policies that seek to foster diverse mix of uses in each neighborhood to support urban lifestyles and achieve building intensities that ensure efficient use of available land. The DCP envisions Little Italy as a neighborhood that emphasizes historic qualities with strategic intensification to increase neighborhood vitality. The DCP acknowledges that the development intensities in the northern portions of the Little Italy may be restricted due to the location of the San Diego International Airport – Lindbergh Field approach path.

The following are some of the key DCP goals and policies applicable to the Overrule:

- Goal 3.1-G-3: Provide an overall balance of uses—employment, residential, cultural, government and destination—as well as full compendium of amenities and services.
- Goal 3.2-G-2 Maintain a range of development intensities to provide diversity, while maintaining high overall intensities to use land efficiently and permit population and employment targets to be met.
- Goal 3.2-P-5 Restrict building intensities underneath the approach path to Lindbergh Field consistent with the Airport Land Use Compatibility Plan (ALUCP).

General Plan Analysis

The Land Use and Community Planning Element of the City's General Plan guides the future growth and development into a sustainable citywide development pattern, while maintaining or enhancing quality of life in our communities. The General Plan Land Use Designation for Downtown, including Little Italy, is Multiple Use. The goal of the Multiple Use designation is to provide a range of single and multiple uses in a setting of high intensity appropriate to Downtown's unique role as the regional center. The integration of commercial, residential, civic, institutional, and open space uses are emphasized in this category. The following policy of the City's General Plan is applicable to the Overrule:

- LU-B.3. Plan for and develop mixed-use projects where a site or sites are developed in an integrated, compatible, and comprehensively planned manner involving two or more land uses.

Conclusion:

City staff has provided draft findings in support of the overrule request and recommends that the Planning Commission recommends to the City Council to overrule the ALUC determination of inconsistency with the SDIA Land Use Compatibility Plan

ALTERNATIVES

1. Recommend to City Council to Approve the Site Development Permit for an overrule of the determination of inconsistency, with modifications.

2. Recommend to City Council to Deny the Site Development Permit for an overrule of the determination of inconsistency, if the findings required to approve the Project cannot be affirmed.

Respectfully submitted,



James Alexander
Development Project Manager
Urban Innovation Division
Development Services Department



Johnwilly Aglupos
Development Project Manager
Urban Innovation Division
Development Services Department

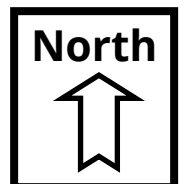
Attachments:

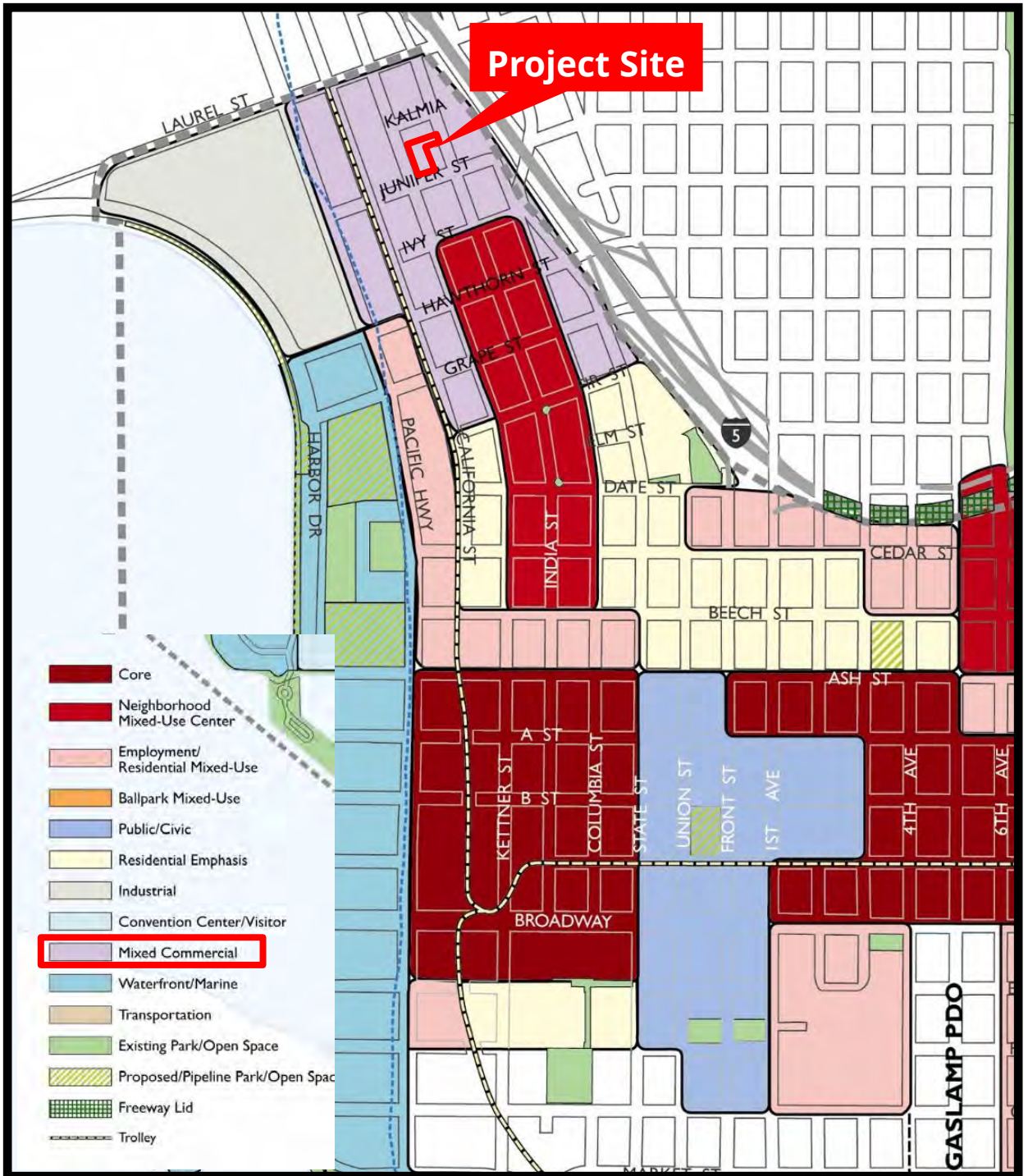
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial and Site Photographs
4. Project Narrative
5. Diagram
6. Safety Zones
7. ALUC Letter of Determination
8. Environmental 15162 Memo
9. Planning Group Recommendations
10. City Council Resolution No. R-315687
11. Draft Permit Resolution with Findings
12. Draft Permit with Conditions
13. Draft Planning Commission Resolution



Project Location

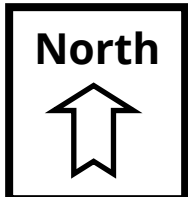
2345 Kettner Blvd
Project No. 1107392, Dreamboat





Land Use Plan

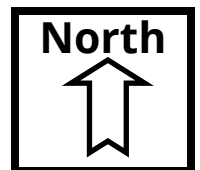
2345 Kettner Blvd
Project No. 1107392, Dreamboat





Aerial Photo

2345 Kettner Blvd
Project No. 1107392, Dreamboat





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San Diego, CA 92106

Revised intensity calculations per 12/14/23 meeting with ALUC

December 14, 2023

City of San Diego
Development Services Department
1222 First Avenue
San Diego, CA 92101

RE: DREAMBOAT AIRPORT LAND USE COMPATIBILITY PLAN OVERRULE SDP

On Behalf of Inside Voice, LLC (Owner) I am pleased to submit this application for the Dreamboat Airport Land Use Compatibility Plan Override Process Five decision.

The site is in the Downtown Community Plan Area on a 24,754 square-foot site (.57 acre) on the north side of Juniper Street between Kettner Boulevard and India Street. The proposed project requests a Site Development Permit (SDP), per San Diego Municipal Code Section 126.0502(e)(4), to deviate from the land use intensity allowed within San Diego International Airport Land Use Compatibility Plan (ALUCP) Safety Zone 2E. The proposed intensity brings the property up to the average intensity of comparable surrounding uses.

This is a limited Site Development Permit review intended to authorize the Override of the ALUCP Airspace Safety intensity calculations only, as required by the Land Development Code. No development entitlement is proposed with this SDP. A separate building permit will be processed for the project site if the increased intensity of uses is allowed through approval of the SDP.

Ground and Airspace Safety

The overall objective of safety compatibility is to minimize risks associated with *potential* aircraft accidents. Although aircraft accidents *happen infrequently*, a concern in achieving airport land use compatibility involves safety in the air and within the vicinity of the airport. The concept of risk is central to the assessment of safety compatibility. There are two components to this strategy - safety of people and property on the ground and the protection of navigable airspace from hazardous obstructions to ensure the safety of aircraft occupants. The primary ground strategy is to limit the intensity of use by minimizing residential and non-residential densities and activities that attract people in locations most susceptible to an off-airport aircraft accident.

The San Diego International Airport Land Use Compatibility Plan was adopted April 3, 2014 and amended May 1, 2014. A comprehensive review and update is recommended at least every five



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years. By the State of California Department of Transportation in their *California Airport Land Use Planning Handbook*. It has been 9 years since the last comprehensive update.

“California Department of Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook, October 2011, pp. 4-20 – 4- 24. The guidance applies to Safety Zones 3, 4, and 5. Because the affected areas within Safety Zone 2 at SDIA are fully developed and include established residential neighborhoods, the Caltrans guidance was also applied to Safety Zone 2 in this ALUCP.”

Development Summary

Total Development Area ¹	43,090 sq. ft.
Hotel/Lobby/Office	24,238 sq. ft. (60 Rooms)
Wellness/Meditation Center	6,721 sq. ft.
Owner offices	5,300 sq. ft.
Restaurant	6,831 sq. ft.

The current safety zone limits for this site would not allow an economically viable redevelopment option for this site. The restrictions on intensity would not be consistent with the current neighborhood development pattern. The proposed project requests a land use intensity as follows:

Allowed Per SD Airport ALUCP Table 3-1	Proposed	Over Requested Override
Hotel Maximum is 56 rooms/acre .57-acre x 56 rooms = 32 rooms permitted.	60 hotel rooms and associated office and lobby	28 hotel rooms
OR	AND	AND
Maximum 255 People/acre .57-acre x 255 people/acre = 145 occupants permitted.	Restaurant 6,831 sq. ft. @ 60 ppl/SF = 114 people	114 People
	Office (Misc. non hotel) 5,300 SF @ 215 ppl/SF = 25 people	25 people

¹ Excluding the back of house areas, circulation, and mechanical equipment



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	Wellness/Meditation Center 6,721 SF Total	
	<ul style="list-style-type: none"> Ancillary 10% 43,090 SF total building area = 4,309 SF 	Ancillary use and SF not counted toward occupancy load
	<ul style="list-style-type: none"> Remaining after 10% ancillary deduction 2,412 SF @ 215 ppl/SF = 11 people 	11 people

It should be noted that the Caltrans Handbook (excerpt below) recommends densities of **60-80** people per acre in “Urban” areas and in “Dense Urban” areas (which Little Italy is) it specifically states: **“Allow infill at up to average intensity of comparable surrounding uses.”** Our density analysis for the area clearly demonstrates that we are comparable in density, if not less, than comparable surrounding uses.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	2x the Average number of people per gross acre
Rural	See Note A	10 – 40	50 – 80
Suburban	1 per 10 - 20 ac.	40 – 60	80 – 120
Urban	0	60 – 80	120 – 160
Dense Urban	0	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.
 Note B: Allow infill at up to average intensity of comparable surrounding uses.

FIGURE 4C

Safety Zone 2 – Inner Approach/Departure Zone

Determining Usage Intensities for Specific Land Uses

There are several methods by which intensity numbers can be calculated.



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California Department of Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook identifies a 'Survey of Compatible Uses' as one such method.

"Survey of Comparable Uses: This method is similar to and effectively underlies the facility management industry data. However, by conducting surveys of similar uses in the same or nearby community, more refined numbers can be derived for use in safety compatibility evaluations."

Included with this submittal is an Occupancy Area Analysis exhibit showing that the proposed project would be compatible with the existing land use intensity of the surrounding existing uses. This exhibit shows that an overrule of the ALUCP Safety Zone 2E intensity restrictions would allow a project to develop that is proportionally consistent with the existing land use intensity. As identified in the *California Department of Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook*, conducting a survey of surrounding uses and their intensities is one methodology that can be used for refined safety compatibility evaluations. Our analysis indicates that we are essentially a "donut hole" surrounded by land uses that average at least 588 people per acre or more. **We believe the request is consistent with the surrounding development pattern in character and intensity. Therefore, we are not increasing the level of safety concerns for this neighborhood.**

Findings

The requested SDP requires the following findings to be made from SDMC Section 126.0505(a):

(1) **The proposed development will not adversely affect the applicable land use plan**

The proposed project includes an intensity of 28 rooms over the allowable intensity and 114 people which is in proportion to and consistent with the land use intensity of the surrounding uses. The project is consistent with the land use plan and zoning regulations in the City of San Diego General Plan, including the Downtown Community Plan. The occupancy area analysis in Exhibit 'A' shows that the block on which the proposed project would be located would have less people per acre than the blocks in the vicinity of the project site.

(2) **The proposed development will not be detrimental to the public health, safety, and welfare.**

The proposed project includes an intensity of 28 rooms over the allowable intensity and 114 people which is in proportion to and consistent with the land use intensity of the surrounding uses. The project is consistent with the land use plan and zoning regulations in the City of San Diego General Plan, including the Downtown Community Plan. The occupancy area analysis in Exhibit 'A' shows that the block on which the proposed project would be located would have less people per acre than the blocks in



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San Diego, CA 92106

the vicinity of the project site. Allowing the proposed project to develop with the requested intensities per acre would not create an outlier but would instead result in a development that is proportionally consistent with the land use intensity of the neighboring existing uses. The evidence provided in Exhibit 'A' demonstrates that the project's increased land use intensity is both reasonable and consistent with the existing land use patterns in the area. This consistency supports the argument that the project will not be detrimental to the public health, safety, and welfare.

(3) The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code

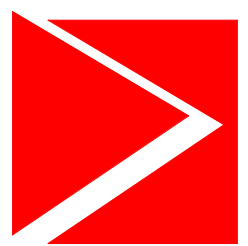
The proposed project will comply with the regulations of the Land Development Code, including the specific development regulations of the Centre City Planned District Ordinance, at the building permit stage. The development also complies with the Federal Aviation Administration (FAA) Part 77 Noticing Area requirements for height. Any proposed project on the site would be required to receive a Determination of No Hazard to Air Navigation from the FAA.

Sincerely,

A handwritten signature in black ink that reads 'Marcela Escobar-Eck'.

Marcela Escobar-Eck
President/CEO
Atlantis Group Land Use Consultants

cc: Aرسالun Tafazoli, Inside Voice LLC
Dan Martorana, Tucker Sadler



TUCKER SADLER

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San Diego, CA 92101
(P) 619.236.1662 (F) 619.236.9267

DREAMBOAT

631 9TH AVENUE,
SAN DIEGO, CA 92101

DREAMBOAT
 2345 KETTNER BLVD, 2327 KETTNER BLVD,
 2321 KETTNER BLVD, 2311 KETTNER BLVD,
 834 W JUNIPER ST, 2328 INDIA ST
 SAN DIEGO, CA 92101

SITE DEVELOPMENT PERMIT

PROJECT DATA

APPLICANT : TUCKER SADLER ARCHITECTS
1620 FIFTH AVE, SUITE 200
SAN DIEGO, CA 92101
TELEPHONE: 619.236.1662 x 142

CONTACT: DAN MARTORANA
CONTACT: DMARTORANA@TUCKERSADLER.COM

SITE ADDRESS :

ADDRESS	APN	LEGAL DESCRIPTION
2345 KETTNER BLVD	533-034-02-00	CC1-1874 BLK 66*LOT 3*
2327 KETTNER BLVD	533-034-03-00	CC1-1874 BLK 66*LOT 4*
2321 KETTNER BLVD	533-034-04-00	CC1-1874 BLK 66*LOT 5*
2311 KETTNER BLVD	533-034-05-00	CC1-1874 BLK 66*LOT 6*
834 W JUNIPER ST	533-034-05-00	CC1-1874 BLK 66*LOT 6*
2328 INDIA ST	533-034-09-00	CC1-1874 BLK 66*LOT 10*

ASSESSORS PARCEL NUMBER

LEGAL DESCRIPTION:

BASE ZONING: CCPD-MC

ZONING INFORMATION: CCPD-MC ZONING / LITTLE ITALY SUN ACCESS OVERLAY

ZONING OVERLAY(S): AIRPORT LAND USE COMPATIBILITY, LITTLE ITALY SUN ACCESS, COMPLETE COMMUNITIES HOUSING SOLUTIONS, LITTLE ITALY BUSINESS IMPROVEMENT DISTRICT

EXISTING USE: RETAIL, OFFICE, WAREHOUSE, SFR

PROPOSED USE: HOSPITALITY, RESTAURANT, OFFICE, WELLNESS CENTER

COMMUNITY PLAN AREA: DOWNTOWN

SPECIFIC PLAN AREA: NONE

CITY COUNCIL DISTRICT: CD-03

LOT/PARCEL AREA: 24,754 SF / 0.57 ACRES

LOT COVERAGE: 100%

AIRPORTS: YES / NO - NAS NORTH ISLAND
SAN DIEGO INTERNATIONAL AIRPORT

ENVIRONMENTALLY SENSITIVE LANDS: YES / NO

FIRE SEVERITY ZONE: YES / NO

GEOLOGY AND SOILS: YES / NO - GEOLOGICAL HAZARD CATEGORY 13 & SLOPE 25% OR GREATER

CULTURAL AND HISTORICAL: YES / NO

YEAR BUILT: 2345 KETTNER BLVD: 1940 2327 KETTNER BLVD: 1923
2321 KETTNER BLVD: 1922 828 W JUNIPER ST: 1948
2328 INDIA ST: 1940 2311 KETTNER BLVD: 1948

REQUIRED/PROVIDED SETBACKS: STREET: 0' REQUIRED / 0' PROVIDED
SIDE: 10' ABUTTING RESIDENTIAL PROPERTY REQUIRED / 10' PROVIDED
REAR: N/A

AREA SUMMARY

AREA	FACTOR PER ALCUP TABLE 3-1 SAFETY COMPATIBILITY STANDARDS	OCC LOAD
BASEMENT PARKING (GUEST ONLY)	16,447 ANCILLARY	0
LVL 1		
A-2 ENTRANCE	1,433 AUXILIARY BACK OF HOUSE	0
A-3 RESTAURANT	4,921 /60	82
B ANCILLARY HOTEL OFFICE	2,609 AUXILIARY BACK OF HOUSE	0
B MISCELLANEOUS OWNER OFFICE	5,300 /215	25
LVL 2		
A-2 RESTAURANT	1,910 /60	32
R-1 HOTEL GUESTROOMS	10,098 /200	50
LVL 3		
R-1 HOTEL GUESTROOMS	10,098 /200	50
LVL 4		
A-3 WELLNESS CENTER + LOCKER RM - GUEST ONLY (ANCILLARY)	6,721 (43,090 X 10% = 4,309 SF) REMAINING 2,412 SF /215	11
LVL 5		
A-3 ROOFTOP/GARDEN/ ART AREA	7,192 ANCILLARY	0
TOTAL		250 OCC

LAND AREA: 0.57 ACRE (24,754 SF)
OCC LOAD PER ACRE: 250/0.57 = 438 OCC PER ACRE

PROJECT TEAM

OWNER: DREAMBOAT
631 9TH AVENUE
SAN DIEGO, CA 92101
CONTACT: CAITLIN SANTONE
EMAIL: CAITLIN@CH-PROJECTS.COM

ARCHITECT OF RECORD: TUCKER SADLER ARCHITECTS
2044 FIRST AVENUE, SUITE 300
SAN DIEGO, CA 92101
TELEPHONE: 619.236.1662
CONTACT: DAN MARTORANA
EMAIL: DMARTORANA@TUCKERSADLER.COM

ZONING INFORMATION

OVERLAY ZONES

AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE (ALUCOZ): YES, NAS NORTH ISLAND SAN DIEGO INTERNATIONAL AIRPORT

CLAIREMONT MESA HEIGHT LIMIT OVERLAY ZONE (CMHLOZ): NO

COASTAL HEIGHT LIMIT OVERLAY ZONE (CHLOZ): NO

COASTAL OVERLAY ZONE (COZ): NO

COASTAL OVERLAY ZONE FIRST PUBLIC ROADWAY (COZFPR): NO

COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE (CPIOZ): NO

MISSION TRAILS DESIGN DISTRICT (MTDDOZ): NO

MOBILE HOME PARK OVERLAY ZONE (MHPOZ): NO

PARKING IMPACT OVERLAY ZONE (PIOZ): NO

SENSITIVE COASTAL OVERLAY ZONE (SCOZ): NO

TRANSIT AREA OVERLAY ZONE (TAOZ): YES

URBAN VILLAGE OVERLAY ZONE (UVOZ): NO

TRANSPORTATION

PARKING STANDARDS TRANSIT PRIORITY AREA (PSTPA): YES

TRANSIT PRIORITY AREA (TPA): YES

AFFORDABLE HOUSING PARKING DEMAND: YES/ MEDIUM

AIRPORTS

ALUCP AIRPORT INFLUENCE AREA (AIA): YES, SAN DIEGO INTERNATIONAL AIRPORT REVIEW AREA 1
NAS NORTH ISLAND - REVIEW AREA 2

ALUCP NOISE CONTOURS (CNEL): YES, SAN DIEGO INTERNATIONAL AIRPORT 75 + CNEL

ALUCP SAFETY ZONE: YES, SAN DIEGO INTERNATIONAL AIRPORT-SAFETY ZONE 2E

FAA PART 77 NOTICING AREA: YES

SDIA - LINDBERGH FIELD/25 TO 30 FEET ELEVATION ABOVE SEA LEVEL // 1000 TO 1500 FEET HORIZONTAL DISTANCE FROM RUNWAY NORTH ISLAND NAS/161 TO 166 FEET ELEVATION ABOVE SEA LEVEL // 13500 TO 14000 FEET HORIZONTAL DISTANCE FROM RUNWAY NORTH ISLAND NAS/166 TO 171 FEET ELEVATION ABOVE SEA LEVEL // 14000 TO 14500 FEET HORIZONTAL DISTANCE FROM RUNWAY

HISTORIC AND CULTURAL RESOURCES

LA JOLLA SHORES ARCHAEOLOGICAL STUDY AREA (LJASAS): NO

CULTURAL SENSITIVITY AREA: YES, MODERATE

PALEONTOLOGICAL SENSITIVITY AREA: YES, HIGH

DESIGNATED HISTORIC DISTRICT: NO

DESIGNATED HISTORIC RESOURCE: NO

ENVIRONMENTALLY SENSITIVE LANDS (ESL)

THESE SEARCH RESULTS INDICATE THE PROBABILITY OF THE PRESENCE OF ESL.

THE PRESENCE OF ESL IS DETERMINED BY A PROJECT-SPECIFIC ANALYSIS IN CONNECTION WITH ANY PERMIT APPLICATION. A DETERMINATION CAN ALSO BE MADE BY REQUESTING A PRELIMINARY REVIEW.

FOR MORE INFORMATION REGARDING ESL, REFER TO CHAPTER 14, ARTICLE 3, DIVISION 1 OF THE LAND DEVELOPMENT CODE AND THE APPLICABLE GUIDELINES IN THE LAND DEVELOPMENT MANUAL.

MULTIPLE HABITAT PLANNING AREA (MHPA): NO

SENSITIVE VEGETATION: NO

VERNAL POOLS: NO

NON-COASTAL WETLANDS: NO

COASTAL WETLANDS: NO

COASTAL BLUFF: NO

COASTAL BEACH: NO

STEEP HILLSIDE: POTENTIAL

SPECIAL FLOOD HAZARD AREA: NO

FLOOD ZONE: X

FLOOD ZONE SUBTYPE: AREA OF MINIMAL FLOOD HAZARD
SOURCE CITE: 06073C_FIRM1

FIRE

BRUSH MANAGEMENT: NO

VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFSZ): NO

GEOLOGY AND SOILS

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE: NO

EARTHQUAKE FAULT BUFFERS: NO

GEOLOGIC HAZARD CATEGORY: YES, 13

ELEVATION CONTOUR 5 FEET (1999): MIN: 45, MAX: 50

SLOPES 25% OR GREATER (1999): YES

HYDROLOGY

WATERSHED: PUEBLO SAN DIEGO

WATERSHED SUBAREA: LINDBERGH

ENVIRONMENTALLY SENSITIVE AREA (ESA): NO

AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS): NO

SCHOOL DISTRICT

ELEMENTARY SCHOOL DISTRICT: SAN DIEGO UNIFIED

HIGH SCHOOL DISTRICT: SEE UNIFIED SCHOOL DISTRICT

UNIFIED SCHOOL DISTRICT: UNIFIED SAN DIEGO

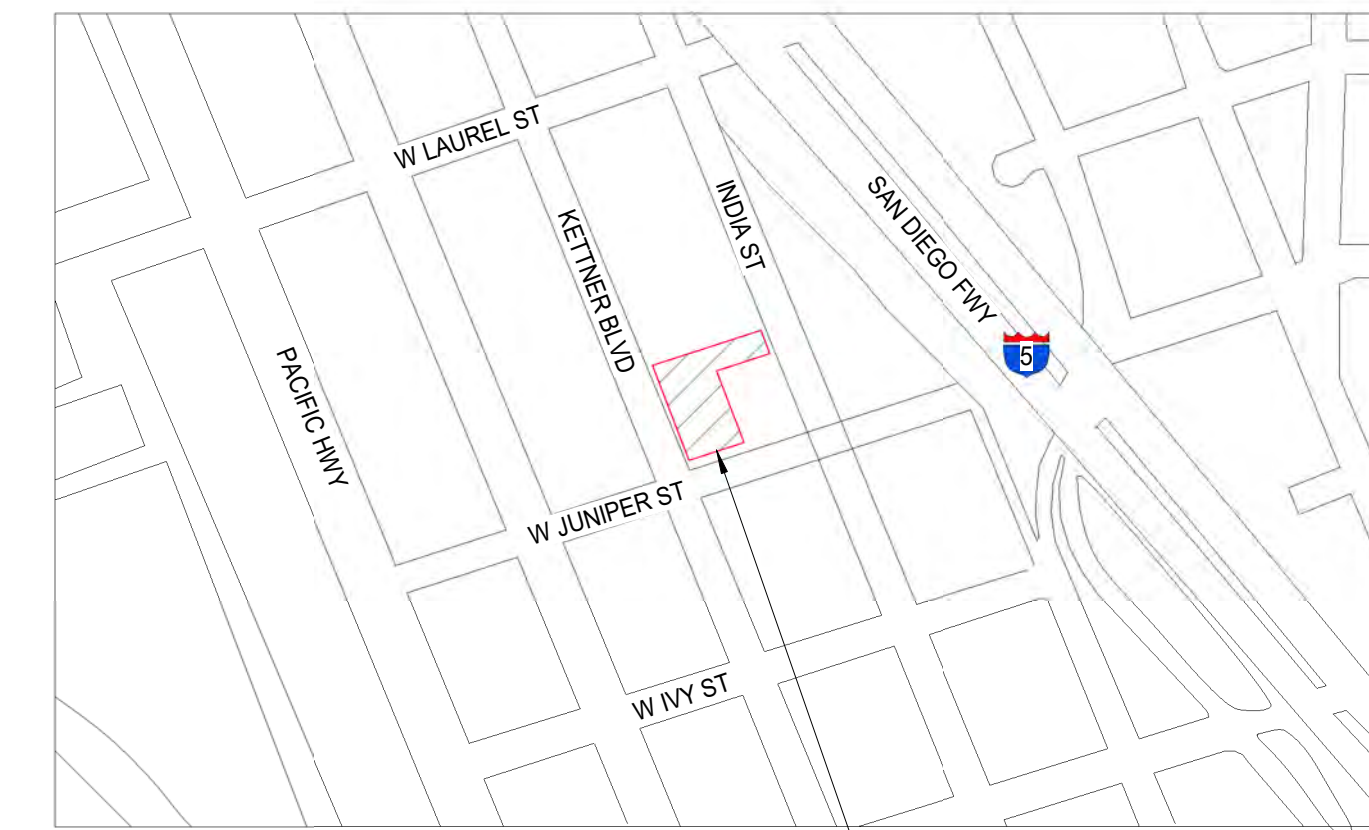
SHEET INDEX

SHEET NUMBER	SHEET NAME
5 SDP	
AP001	PROJECT DATA
AP002	FAA
AP021	FLOOR PLANS
AP022	FLOOR PLANS
AP023	PHOTOGRAPHIC SURVEY
AP024	MASSING ELEVATIONS
AP051	OCCUPANCY AREA ANALYSIS
AP052	OVERALL AVERAGE OCCUPANTS ANALYSIS
AP053	OVERALL AVERAGE OCCUPANTS ANALYSIS 2

VICINITY MAP



PROJECT LOCATION

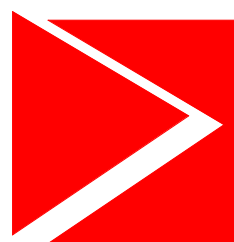


PROJECT SITE

ISSUED/ REVISIONS	DATE

SHEET TITLE:
PROJECT DATA

PROJECT NO. 222668	DRAWN BY PK
DATE 11/08/2023	CHECKED BY PK
SCALE AS INDICATED	DWG NO. AP001



TUCKER SADLER

1620 5th Ave Suite 200
San Diego, CA 92101
(P) 619.236.1662 (F) 619.236.9267

DREAMBOAT

631 9TH AVENUE,
SAN DIEGO, CA 92101

DREAMBOAT

2345 KETTNER BLVD, 2327 KETTNER BLVD,
2321 KETTNER BLVD, 2311 KETTNER BLVD,
834 W JUNIPER ST, 2328 INDIA ST
SAN DIEGO, CA 92101

SITE DEVELOPMENT PERMIT

ISSUED/ REVISIONS	DATE

SHEET TITLE:

FAA

PROJECT NO.
222668

DRAWN BY
IC

DATE
11/08/2023

CHECKED BY
PK

SCALE

DWG NO.

AS INDICATED

AP002

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-22118-OE

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-22119-OE

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-22119-OE

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-22118-OE

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-22117-OE

Issued Date: 03/06/2023

Dan Mariorana
Tucker Sadler Architect
1620 Fifth Ave
Suite 200
San Diego, CA 92101

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building India-Kettner SW
Location: San Diego, CA
Latitude: 32-43-41.57N NAD 83
Longitude: 117-10-15.82W
Height: 45 feet site elevation (SE)
50 feet above ground level (AGL)
95 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 707460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5,Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- X At least 10 days prior to start of construction (7460-2, Part 1)
- X Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Issued Date: 03/06/2023

Dan Mariorana
Tucker Sadler Architect
1620 Fifth Ave
Suite 200
San Diego, CA 92101

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building India-Kettner SE
Location: San Diego, CA
Latitude: 32-43-41.83N NAD 83
Longitude: 117-10-14.92W
Height: 45 feet site elevation (SE)
50 feet above ground level (AGL)
95 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 707460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5,Red),&15.

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It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- X At least 10 days prior to start of construction (7460-2, Part 1)
- X Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Issued Date: 03/06/2023

Dan Mariorana
Tucker Sadler Architect
1620 Fifth Ave
Suite 200
San Diego, CA 92101

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building India-Kettner NE |
Location: San Diego, CA
Latitude: 32-43-43.78N NAD 83
Longitude: 117-10-14.41W
Height: 45 feet site elevation (SE)
50 feet above ground level (AGL)
95 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

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- X At least 10 days prior to start of construction (7460-2, Part 1)
- X Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Issued Date: 03/06/2023

Dan Mariorana
Tucker Sadler Architect
1620 Fifth Ave
Suite 200
San Diego, CA 92101

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building India-Kettner NE
Location: San Diego, CA
Latitude: 32-43-44.11N NAD 83
Longitude: 117-10-14.46W
Height: 45 feet site elevation (SE)
50 feet above ground level (AGL)
95 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

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- X Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Issued Date: 03/06/2023

Dan Mariorana
Tucker Sadler Architect
1620 Fifth Ave
Suite 200
San Diego, CA 92101

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building India-Kettner NW
Location: San Diego, CA
Latitude: 32-43-43.53N NAD 83
Longitude: 117-10-16.59W
Height: 45 feet site elevation (SE)
50 feet above ground level (AGL)
95 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

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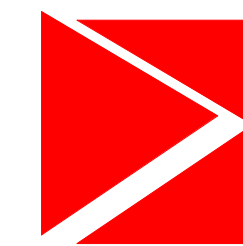
Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

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See attachment for additional condition(s) or information.

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THE DRAWINGS ARE OWNED BY AND THE PROPERTY OF TUCKER SADLER ARCHITECTS, INC. ARCHITECTS AND PLANNING CONSULTANTS, AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF TUCKER SADLER ARCHITECTS, INC. THEREOF IS PERMISSIBLE WITHOUT THE WRITTEN CONSENT OF TUCKER SADLER ARCHITECTS, INC.



TUCKER SADLER

1620 5th Ave Suite 200
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DREAMBOAT

631 9TH AVENUE,
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DREAMBOAT

2345 KETTNER BLVD, 2327 KETTNER BLVD,
2321 KETTNER BLVD, 2311 KETTNER BLVD,
834 W JUNIPER ST, 2328 INDIA ST
SAN DIEGO, CA 92101

SITE DEVELOPMENT PERMIT

ISSUED/ REVISIONS DATE

ISSUED/ REVISIONS	DATE

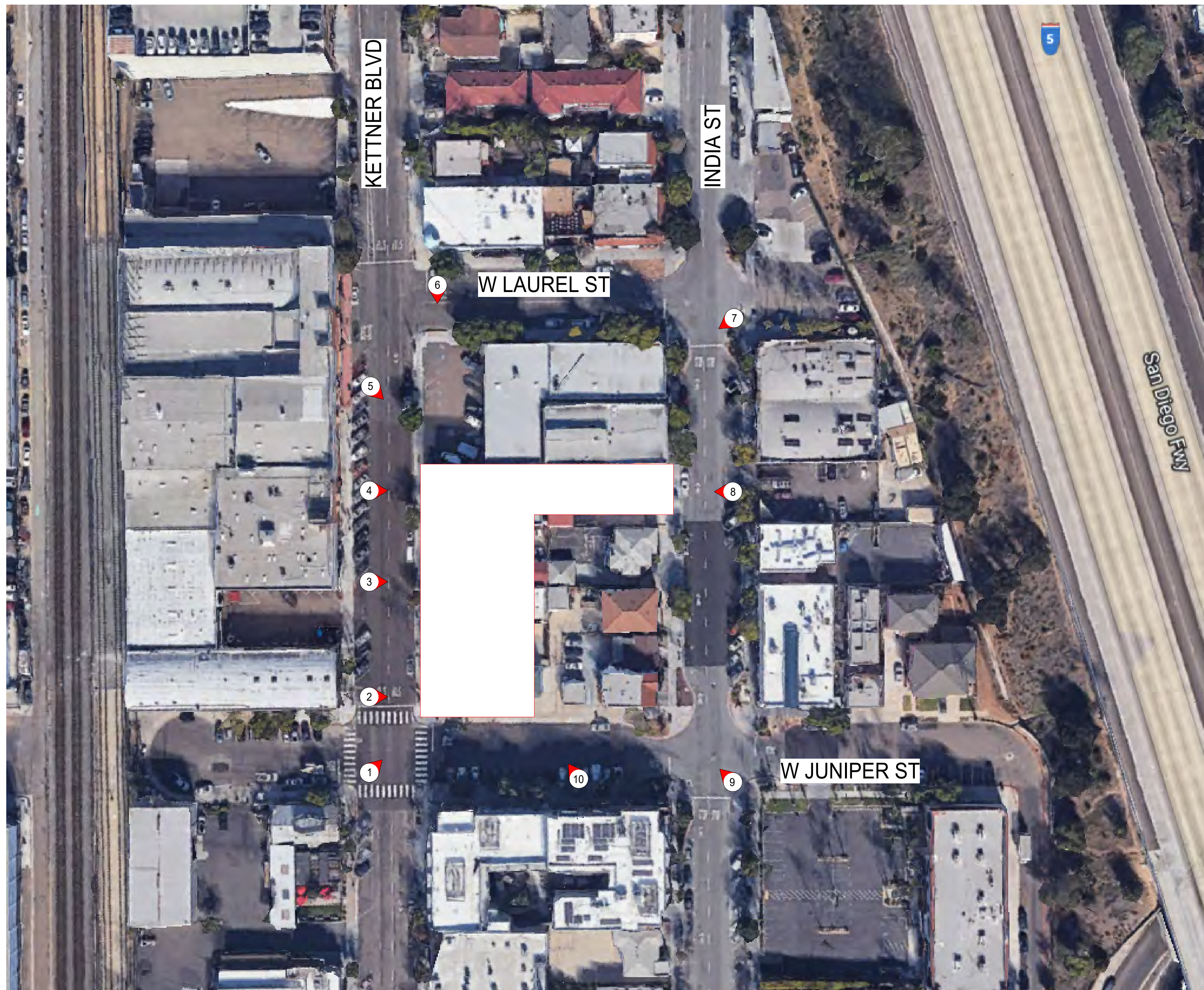
SHEET TITLE:
PHOTOGRAPHIC SURVEY

PROJECT NO.
222668
DATE
11/08/2023

DRAWN BY
IC
CHECKED BY
PK

SCALE
AS INDICATED

DWG NO.
AP023



PHOTOGRAPHIC SURVEY REFERENCE PLAN



1



2



3



4



5



6



7



8



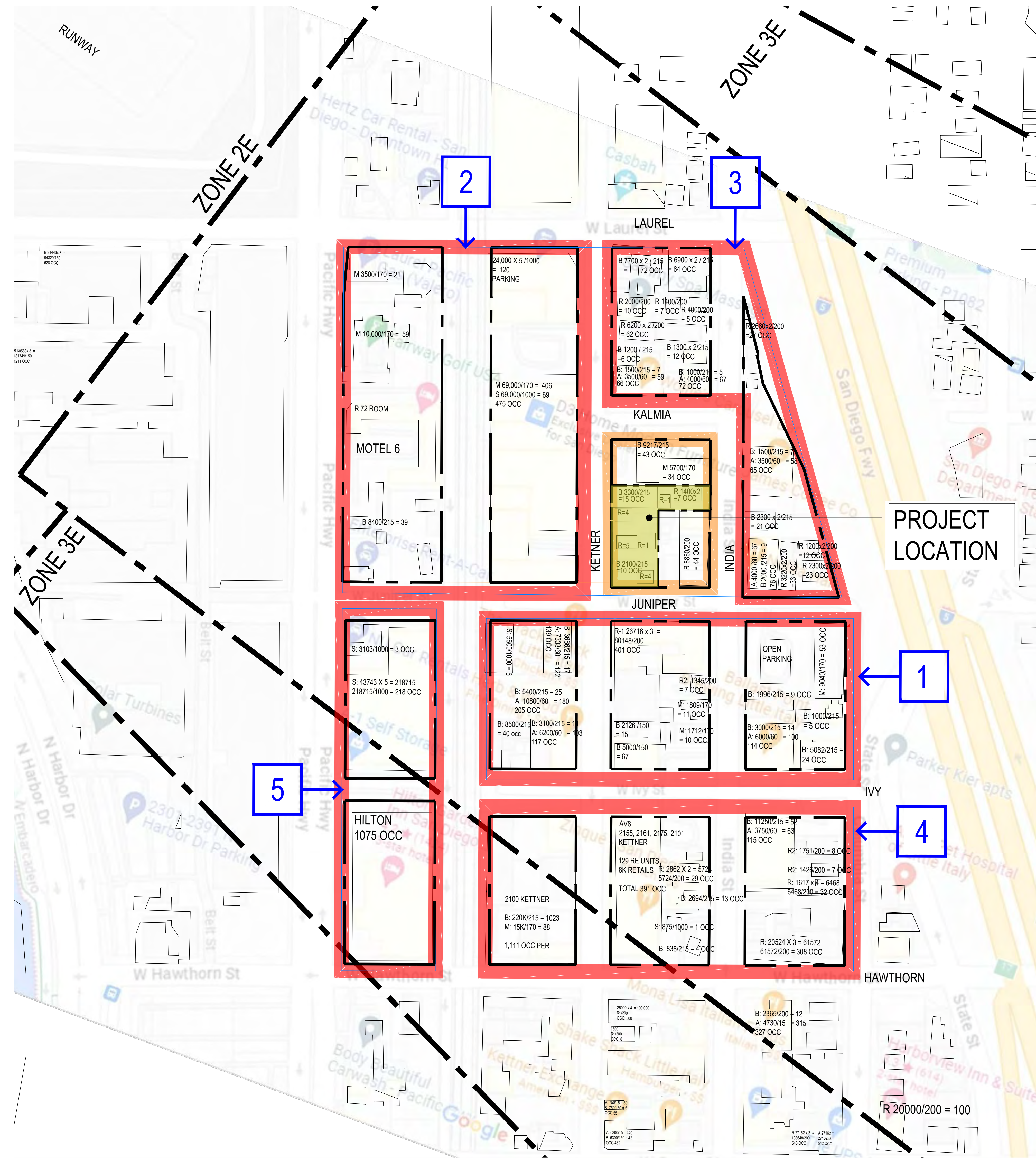
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SURROUNDING AREA OCCUPANCY ANALYSIS



AREA 1
 LOT 1: 52,500
 LOT 2: 60,000
 LOT 3: 60,000
 TOTAL: 172,500
 OCC = 6+139+205+40+117+401+7+11+15+10+67+53+9+5+114+24 = 1223
 172,500 / 43560 = 4.05 ACRE
 1223 OCC PER 4.05 ACRE = **302 OCC PER 1 ACRE**

AREA 2
 LOT 1: 135,000
 LOT 2: 119,000
 TOTAL: 254,000
 OCC = 21 + 59 + 72 + 39 + 120 + 475 = 786
 254,000 / 43,560 = 5.83 ACRE
 786 OCC PER 5.83 ACRE = **135 OCC PER 1 ACRE**

AREA 3
 LOT 1: 60,000
 LOT 2: 59,000
 TOTAL: 119,000
 OCC = 72+64+10+7+5+62+6+12+66+72+27+65+21+76+33+12+23 = 633
 119,000 / 43560 = 2.73 ACRE
 633 OCC PER 2.73 ACRE = **232 OCC PER 1 ACRE**

AREA 4
 LOT 1: 52,500
 LOT 2: 60,000
 LOT 3: 60,000
 TOTAL: 172,500
 OCC = 1111+391+29+13+1+4+115+8+7+32+308 = 2019
 172,500 / 43560 = 4.05 ACRE
 2019 OCC PER 4.05 ACRE = **499 OCC PER 1 ACRE**

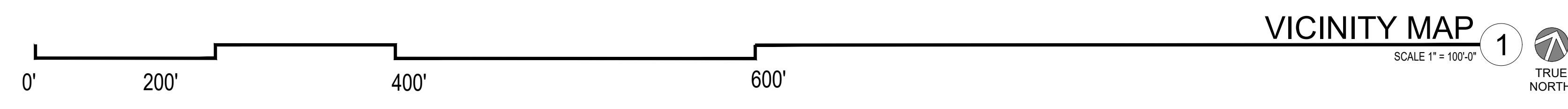
AREA 5
 LOT 1: 60,000
 LOT 2: 60,000
 TOTAL: 120,000
 OCC = 3 + 218 + 1075 = 1296
 120,000 / 43560 = 2.63 ACRE
 1296 OCC PER 2.63 ACRE = **493 OCC PER 1 ACRE**

**SITE PARCEL: 0.57 ACRE
 PROPOSED HOTEL: 250 OCC**

**SITE BLOCK: 1.37 ACRE
 PROPOSED HOTEL: 250 OCC
 NEIGHBOR OCC: 43 + 34 + 44 = 121 OCC
 TOTAL: 371 OCC**

250/0.57 = 438 OCC/ACRE

371 OCC /1.37 ACRE = 270 OCC/ACRE

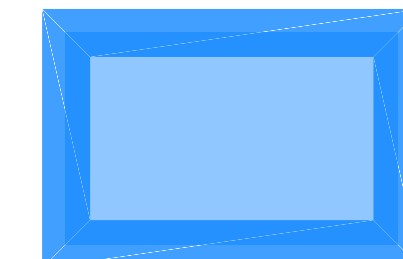


OVERALL AVERAGE OCCUPANTS ANALYSIS

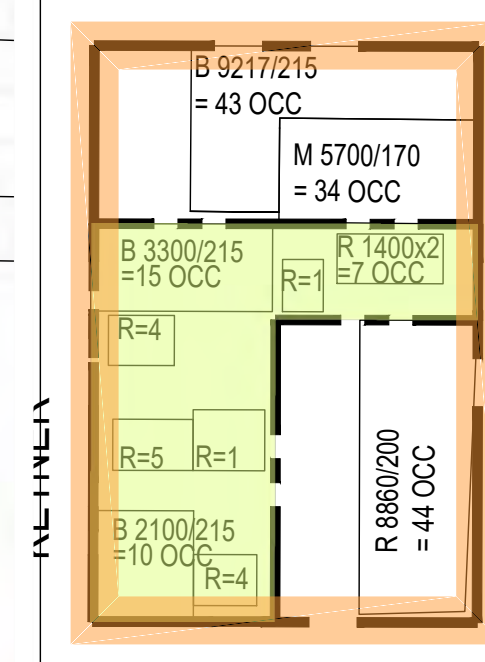
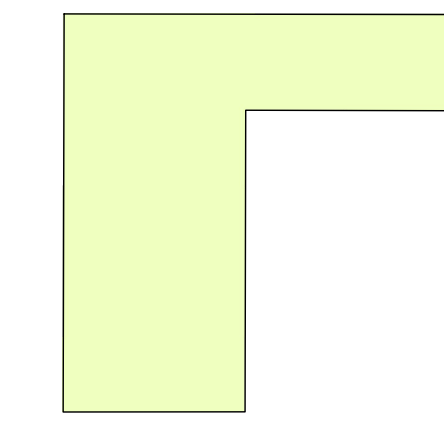


	OCC	AREA	OCC / ACRE
1	1223	4.05	301.9753086
2	786	5.83	134.8198971
3	633	2.73	231.8681319
4	2019	4.05	498.5185185
5	1296	2.63	492.7756654
TOTAL	5957	19.29	308.8128564

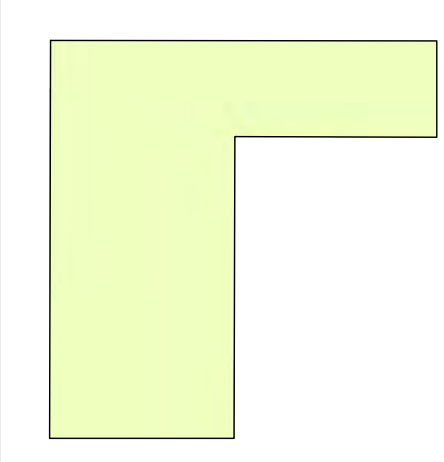
OVERALL OCCUPANTS ADJACENCY
308 OCCUPANTS PER ACRE



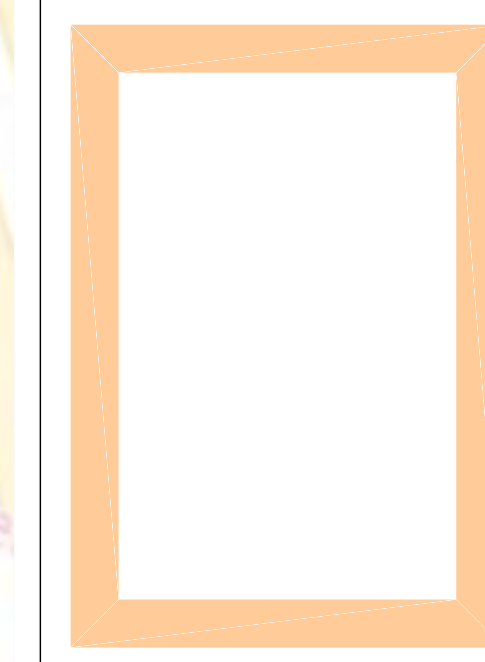
PROJECT AREA LOCATION



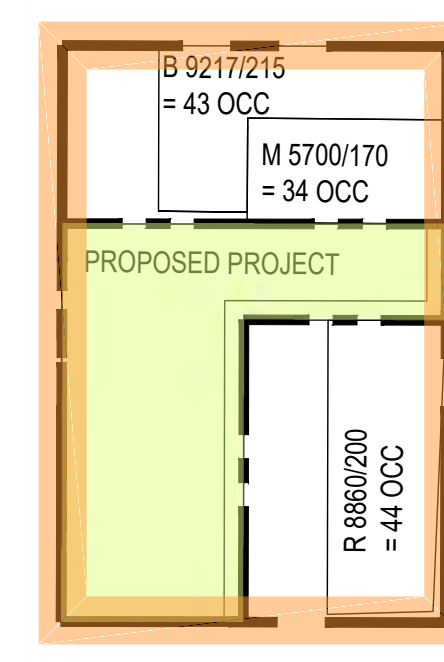
EXISTING CONDITION
OCCUPANT LOAD ANALYSIS



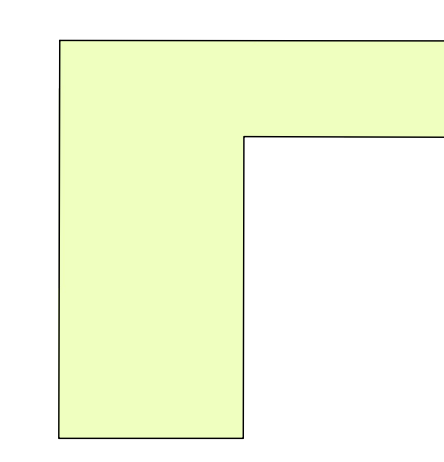
EXISTING SITE PARCEL
AREA 0.57 ACRE
47 OCC ON SITE
47 OCC/0.57 = **82.45 OCC/ACRE**



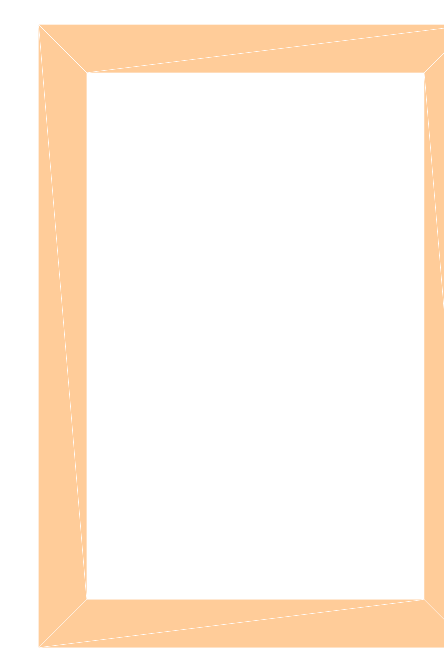
EXISTING SITE BLOCK
AREA 1.37 ACRE
47 + 43 + 34 + 44 = 168 OCC
168/1.37 = **123 OCC PER ACRE**



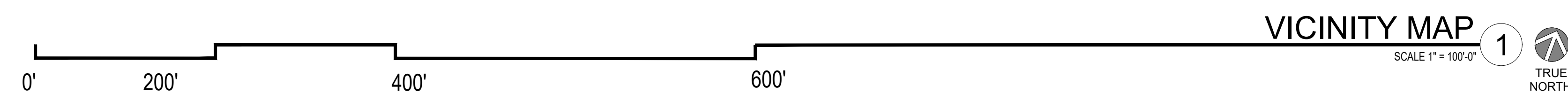
PROPOSED OCCUPANT LOAD
ANALYSIS

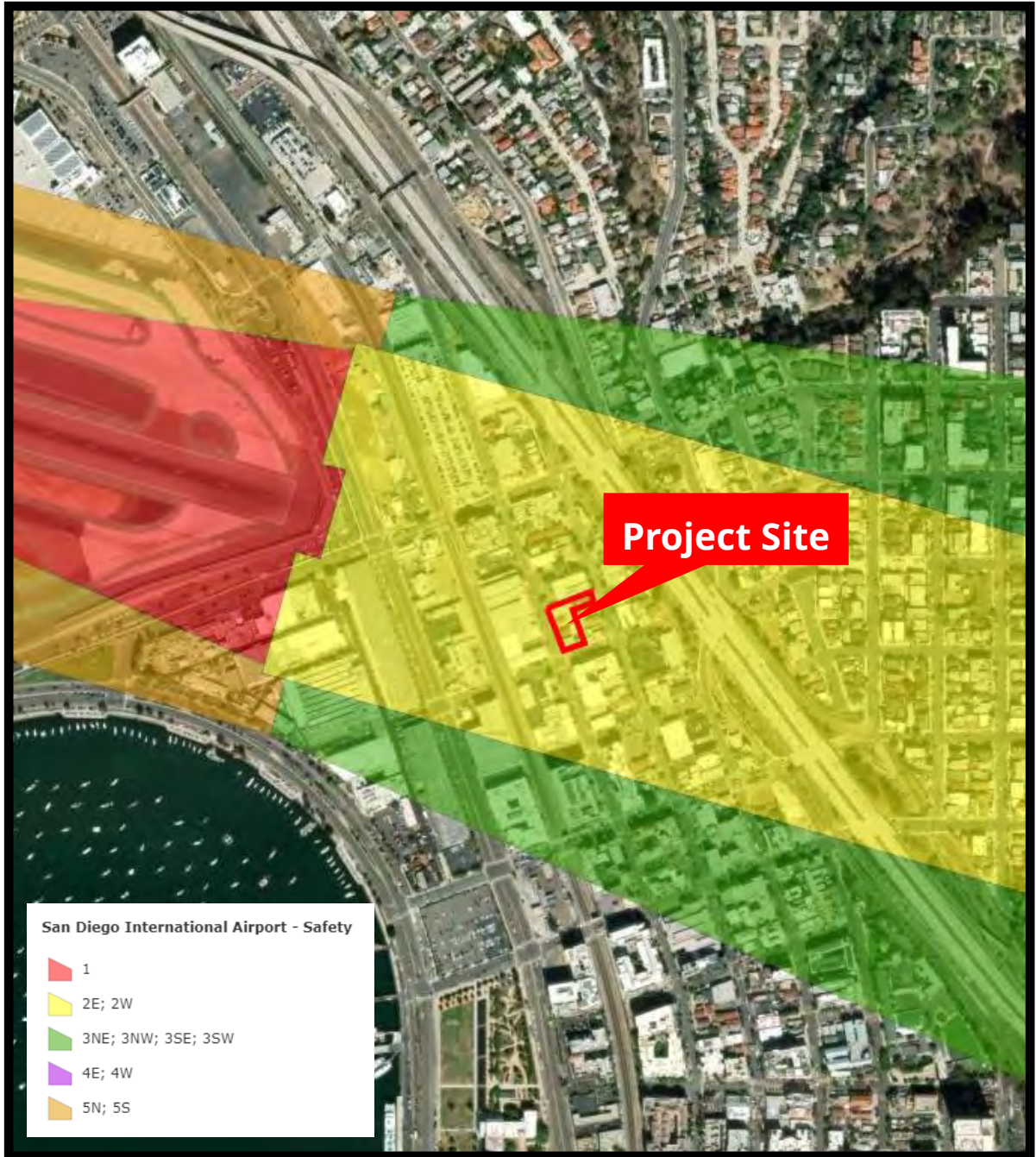


PROPOSED SITE PARCEL
AREA 0.57 ACRE
250 OCC ON SITE
250 OCC/0.57 = **438 OCC/ACRE**



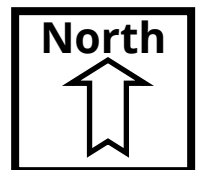
PROPOSED SITE BLOCK
AREA 1.37 ACRE
250 + 43 + 34 + 44 = 371 OCC
371/1.37 = **270 OCC PER ACRE**





Safety Zones

2345 Kettner Blvd
Project No. 1107392, Dreamboat



January 5, 2024

Johnwilly Aglupos
City of San Diego
1222 First Avenue
San Diego, CA 92101

Re: Airport Land Use Commission (ALUC) Consistency Determination,
Advisory Review – Construction of Hotel, Office, and Restaurants at 2345
Kettner Boulevard, City of San Diego

Dear Mr. Aglupos:

On April 2, 2021, the San Diego County Regional Airport Authority (SDCRAA), acting as the Airport Land Use Commission (ALUC) for San Diego County, determined that proposed amendments to the City of San Diego Land Development Code (LDC) Airport Land Use Compatibility Overlay Zone (ALUCOZ) were consistent with the policies and standards outlined in the adopted San Diego International Airport (SDIA) Land Use Compatibility Plan (ALUCP). As a result of this ALUC determination, ALUC review of individual projects is no longer required, with the exception of zoning changes or amendments to the general or specific plans.

In accordance with SDCRAA Policy 8.30 and California Public Utilities Code (PUC) §21676.5(b), after a local agency has revised its general plan, specific plans or zoning code to be consistent with an adopted ALUCP or overruled the ALUCP pursuant to PUC §21676(a), individual projects shall not be subject to further ALUC review, unless the ALUC and the local agency agree that individual projects will be reviewed by the ALUC. SDCRAA Policy and the California PUC allow the local agency to voluntarily refer individual projects to the ALUC for review.

SDCRAA acknowledges receipt of a complete application on December 15, 2023, for a determination of consistency for the proposed project described above. Pursuant to the preceding and regarding the aforesaid application, ALUC staff advises that the proposed project is **not consistent** with the SDIA ALUCP based upon the facts and findings summarized below:

- (1) The proposed project involves the construction of a hotel with 60 guestrooms and supporting offices totaling 24,238 square feet, a wellness center of 6,721

square feet with a locker room of 1,694 square feet, offices totaling 5,300 square feet, two restaurants totaling 6,831 square feet, and a rooftop garden and underground parking for a total of 43,090 square feet on a property of 0.57 acres.

- (2) The proposed project lies within the 75+ decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies hotel uses located within the 75+ dB CNEL noise contour as conditionally compatible with airport uses, provided that sleeping rooms are sound attenuated to 45 dB CNEL interior noise level and other indoor areas are attenuated to 50 dB CNEL interior noise level.
- (3) The maximum height of the proposed project structure will be approximately 95 feet above mean sea level (50 feet above ground level). The proposed project height is below the maximum compatible height of the runway threshold siting surface (TSS) for a structure or object on this site; therefore, the project complies with the TSS. The proposed project would be compatible with the ALUCP airspace protection surfaces, provided that the structure is marked and lighted in accordance with a determination of no hazard to air navigation issued by the Federal Aviation Administration (FAA) and an aviation easement for airspace is recorded with the County Recorder.
- (4) The proposed project is located within Safety Zone 2E Centre City - Little Italy. The ALUCP identifies hotel uses located within Safety Zone 2E Centre City - Little Italy as conditionally compatible with airport uses, provided that the project complies with a limit of 56 rooms per acre, contains no conference facilities, and has no other uses unless qualifying as ancillary. The project site of 24,754 square feet would therefore allow for a maximum of 32 rooms, but the project proposes 60 rooms. To qualify as ancillary and not be considered a separate land use, a land use must be less than 10 percent of the total floor area, which would be 4,309 square feet for this project. The wellness center exceeds 10 percent of the total floor area and therefore does not qualify as ancillary. The office and restaurants (service – high intensity) are additional uses, and the ALUCP does not consider any additional uses for a hotel within Safety Zone 2 to be compatible. Therefore, the proposed project is not compatible with the safety zone use limitations of the ALUCP.

- (5) The proposed project is located within the overflight notification area but does not involve any new residential use subject to overflight notification requirements.
- (6) Therefore, the proposed project is not consistent with the SDIA ALUCP implemented through the City of San Diego LDC ALUCOZ, as the proposed project exceeds the limit for hotel rooms and contains additional land uses, including floor area in excess of the ancillary use limit.
- (7) This advisory review is not a “project” as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, and is not a “development” as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

Please contact Ralph Redman at rredman@san.org or 619-400-2464 if you have any questions regarding this letter.

Yours truly,



Ralph Redman
Manager, Airport Planning

cc: Amy Gonzalez, SDCRAA General Counsel
Sjohnna Knack, SDCRAA Planning & Environmental Affairs



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: April 24, 2024

TO: Environmental/Project File, Development Services Department

FROM: Anne B. Jarque, Senior Planner, Development Services Department

SUBJECT: 2345 Kettner Boulevard (PRJ-1107392)
California Environmental Quality Act – Section 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent Environmental Impact Reports and Negative Declarations consistency evaluation for the proposed Airport Land Use Compatibility Plan (ALUCP) Overrule (project). See 14 C.C.R. §15162.

This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require preparation of additional CEQA review for the proposed Dreamboat Airport ALUCP Overrule. As outlined in the evaluation, DSD has determined that the proposed project would be consistent with the Final Environmental Impact Report (FEIR) for the Downtown Community Plan, Centre City Planned District Ordinance (CCPDO), 10th Amendment to the Centre City Redevelopment Plan (State Clearinghouse (SCH) No. 2003041001) and subsequent addenda to the FEIR, and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan; and would not result in new impacts or increase in severity of previously identified significant effects.

BACKGROUND

The Final Environmental Impact Report (FEIR) for the Downtown Community Plan, Centre City Planned District Ordinance (CCPDO), and 10th Amendment to the Centre City Redevelopment Plan (State Clearinghouse (SCH) No. 2003041001) was certified by the former Redevelopment Agency (Former Agency) and the Council of the City of San Diego (City Council) on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R- 04193), April 21, 2010 (Former Agency Resolutions R-04508 and R-04510), August 3, 2010 (Former Agency Resolution R-04544) and certified by City Council on February 12, 2014 (Resolution R-308724) and July 14, 2014 (Resolution R309115), and November 17, 2020 (Resolution R-313302); and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the City Council on July 6, 2016 (Resolution R-310561).

PROJECT DESCRIPTION

The proposed ALUCP Overrule for 2345 Kettner Boulevard (PRJ-1107392) requests a Site Development Permit (SDP), per San Diego Municipal Code Section 126.0502(e)(4), to deviate from the maximum land use intensity allowed within San Diego International Airport Land Use Compatibility Plan (ALUCP) Safety Zone 2E. The proposed project requests a deviation from the ALUCP land use intensity limits (number of people per acre) pertaining to the Visitor Accommodations use category of the Airport Land Use Compatibility Overlay Zone. No development would be proposed with this overrule request.

Existing Conditions

The 0.57-acre project site encompasses five parcels (APNs 534-03-02, 534-03-03, 534-03-04, 534-03-05, 534-03-09) located on the northeast corner of Kettner Boulevard and West Juniper Street. The site addresses include 2328 India Street, 834 West Juniper Street and 2311, 2321, 2327 and 2345 Kettner Boulevard in the Little Italy neighborhood. The site is located within Safety Zone 2E Centre City – Little Italy of the ALUCOZ and the 75+ decibel community noise equivalent level (dB CNEL) noise exposure contour. The site is designated for Mixed Commercial and zoned as CCPD-MC (Centre City Planned District) per the Downtown Community Plan. The site is also currently developed with one and two-story residential, retail, and office buildings. The surrounding land uses comprise of a mix of single-family residential, multi-family residential, office, retail, and commercial uses.

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the project and conducted a review pursuant to CEQA Guidelines Section 15162 to determine consistency with the previously certified original Final Environmental Impact Report (FEIR) for the Downtown Community Plan, Centre City Planned District Ordinance (CCPDO), 10th Amendment to the Centre City Redevelopment Plan (State Clearinghouse (SCH) No. 2003041001) and subsequent addenda to the FEIR, and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan; and would not result in new impacts or increase in severity of previously identified significant effects. The project does not propose any development at this time and future development anticipated would be consistent with the underlying zoning and land use requirements. As such, the project was considered in the scope of the FEIR, and would result in no change in environmental impacts relative to those assessed in the FEIR and subsequent addenda. In addition, the project does not constitute a change in circumstances that would result in changes in environmental impacts as the overrule would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, there is no new information of substantial importance that was not known at the time of the FEIR approval. As previously noted, there is no change in impact or impact severity relative to that identified in the FEIR and subsequent addenda, and no new or different mitigation that would substantially reduce one or more significant effects that the applicant has declined to adopt.

CONCLUSION

Overall, implementation of the proposed would not result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified FEIR and subsequent addenda.

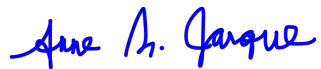
Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Sections 15162, 15163, 15164, and 15168 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in

new significant or substantially increased adverse impacts because of the project. This evaluation, therefore, supports the use of the previously certified FEIR as addended, under CEQA Guidelines Section 15162, in that both environmental documents adequately covers the proposed project.



Anne B. Jarque
Senior Planner

cc: Elizabeth Shearer-Nguyen, Program Manager, Development Services Department
Johnwilly Aglupos, Development Project Manager, Development Services Department

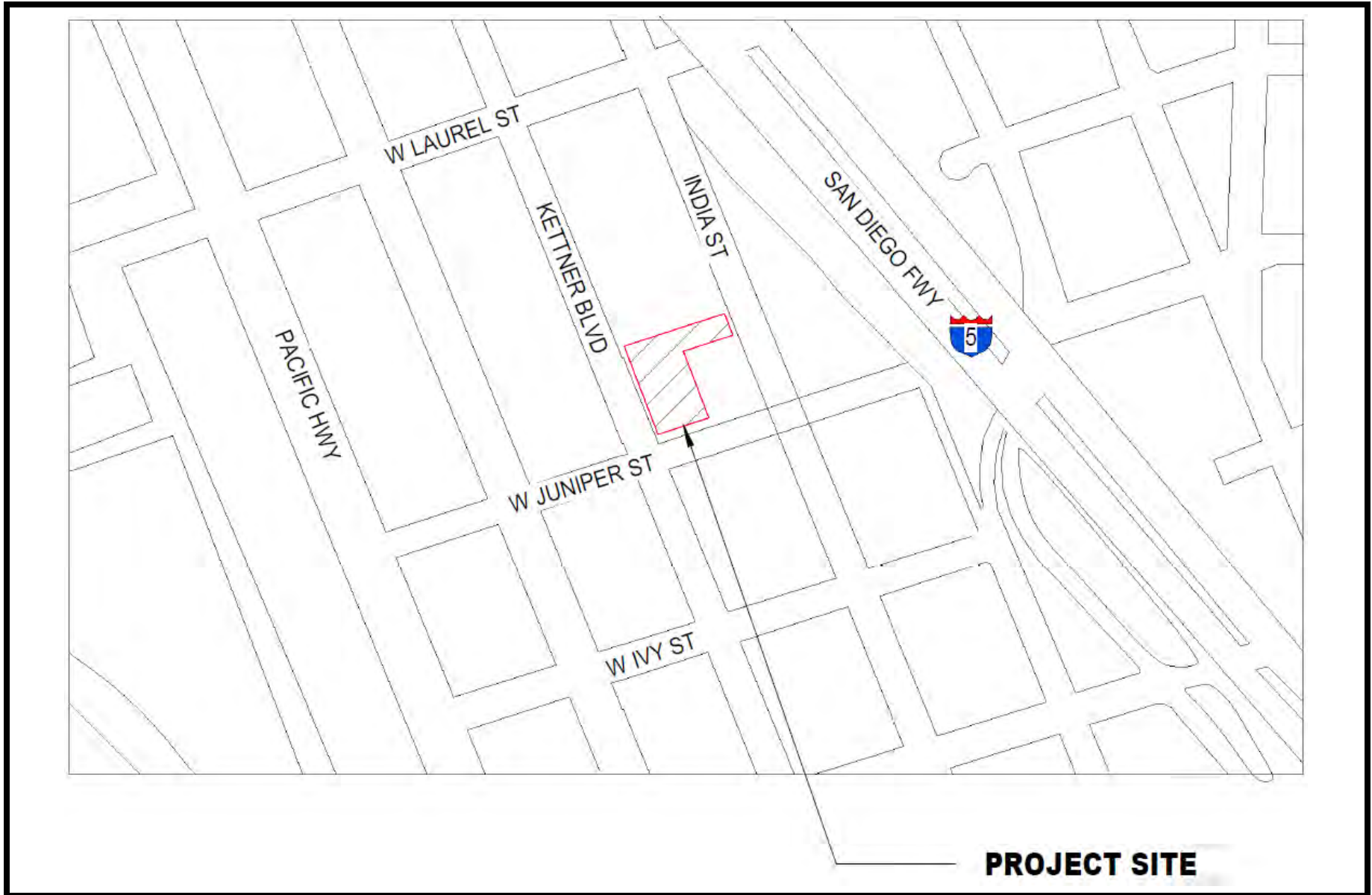
Attachments: Figure 1 – Project Vicinity
Figure 2 – Project Site
Appendix A - FEIR Mitigation Monitoring and Reporting Program for the Downtown
Community Plan, Revised 2016



Project Vicinity

2345 Kettner Boulevard / PRJ-1107392
Development Services Department

**FIGURE
No. 1**



Project Site

2345 Kettner Boulevard / PRJ-1107392
Development Services Department

**FIGURE
No. 2**

Appendix A

FEIR Mitigation Monitoring and Reporting Program for the Downtown Community Plan

Adopted March 14, 2006 by

Redevelopment Agency Resolution R-301264

Revised April 23, 2010 by

Redevelopment Agency Resolution R-385760

Revised June 21, 2016 by

San Diego City Council Resolution R-310562

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
AIR QUALITY (AQ)				
Impact AQ-B.1	Dust and construction equipment engine emissions generated during grading and demolition would impact local and regional air quality. (Direct and Cumulative)			
	<p>Mitigation Measure AQ-B.1-1: Prior to approval of a Grading or Demolition Permit, the City shall confirm that the following conditions have been applied, as appropriate:</p> <ol style="list-style-type: none"> 1. Exposed soil areas shall be watered twice per day. On windy days or when fugitive dust can be observed leaving the development site, additional applications of water shall be applied as necessary to prevent visible dust plumes from leaving the development site. When wind velocities are forecast to exceed 25 mph, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold. 2. Dust suppression techniques shall be implemented including, but not limited to, the following: <ol style="list-style-type: none"> a. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to Civic San Diego. b. On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized. c. Material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust. d. The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times. 3. Vehicles on the construction site shall travel at speeds less than 15 mph. 4. Material stockpiles subject to wind erosion during construction activities, which will not be utilized within three days, shall be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer. 5. Where vehicles leave the construction site and enter adjacent public streets, the streets shall be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface. Any visible track-out extending for more than fifty (50) feet from the access point shall be swept or washed within thirty (30) minutes of deposition. 	Prior to Demolition or Grading Permit (Design)	Developer	City

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</p> <p>7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law.</p> <p>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</p> <p>9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary.</p> <p>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</p> <p>11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.</p> <p>12. If construction equipment powered by alternative fuel sources (liquefied natural gas/compressed natural gas) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</p> <p>13. The developer shall require the use of particulate filters on diesel construction equipment if use of such filters is demonstrated to be cost-competitive for use on this development.</p> <p>14. During demolition activities, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.</p> <p>15. Rubble piles shall be maintained in a damp state to minimize dust generation.</p> <p>16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p> <p>17. If alternative-fueled and/or particulate filter-equipped construction equipment is not feasible, construction equipment shall use the newest, least-polluting equipment, whenever possible. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p>			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
HISTORICAL RESOURCES (HIST)				
Impact HIST-A.1	Future development in Downtown could impact significant architectural structures. (Direct and Cumulative)			
	<p>Mitigation Measure HIST-A.1-1: For construction or development permits that may impact potentially historical resources which are 45 years of age or older and which have not been evaluated for local, state and federal historic significance, a site specific survey shall be required in accordance with the Historical Resources Regulations in the LDC. Based on the survey and the best information available, City Staff to the Historical Resources Board (HRB) shall determine whether historical resources exist, whether potential historical resource(s) is/are eligible for designation as designated historical resource(s) by the HRB, and the precise location of the resource(s). The identified historical resource(s) may be nominated for HRB designation as a result of the survey pursuant to Chapter 12, Article 3, Division 2, Designation of Historical Resource procedures, of the LDC.</p> <p>All applications for construction and development permits where historical resources are present on the site shall be evaluated by City Staff to the HRB pursuant to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <ol style="list-style-type: none"> National Register-Listed/Eligible, California Register-Listed/Eligible Resources: Resources listed in or formally determined eligible for the National Register or California Register and resources identified as contributing within a National or California Register District, shall be retained onsite and any improvements, renovation, rehabilitation and/or adaptive reuse of the property shall ensure its preservation and be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (1995) and the associated Guidelines. San Diego Register-Listed Resources: Resources listed in the San Diego Register of Historical Resources, or determined to be a contributor to a San Diego Register District, shall, whenever possible, be retained on-site. Partial retention, relocation, or demolition of a resource shall only be permitted according to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC. 	<p>Prior to Development Permit (Design)</p> <p>Prior to Demolition, Grading, and/or Building Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	Civic San Diego /City

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>Mitigation Measure HIST-A.1-2: If the potential exists for direct and/or indirect impacts to retained or relocated designated and/or potential historical resources (“historical resources”), the following measures shall be implemented in coordination with a Development Services Department designee and/or City Staff to the HRB (“City Staff”) in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <p>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit Building Permits, but prior to the first Preconstruction (Precon) Meeting, whichever is applicable, City Staff shall verify that the requirements for historical monitoring during demolition and/or stabilization have been noted on the appropriate construction documents. <ol style="list-style-type: none"> (a) Stabilization work cannot begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits. (b) Physical description, including the year and type of historical resource, and extent of stabilization shall be noted on the plans. <p>B. Submittal of Treatment Plan for Retained Historical Resources</p> <ol style="list-style-type: none"> 1. Prior to NTP for any construction permits, including but not limited to, the first Grading Permit and Building Permits, but prior to the first Precon Meeting, whichever is applicable, the Applicant shall submit a Treatment Plan to City Staff for review and approval in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (1995) and the associated Guidelines. The Treatment Plan shall include measures for protecting any historical resources, as defined in the LDC, during construction related activities (e.g., removal of non-historic features, demolition of adjacent structures, subsurface structural support, etc.). The Treatment Plan shall be shown as notes on all construction documents (i.e., Grading and/or Building Plans). 			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>C. Letters of Qualification have been submitted to City Staff</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to City Staff identifying the Principal Investigator (PI) for the project and the names of all persons involved in this MMRP (i.e., Architectural Historian, Historic Architect and/or Historian), as defined in the City of San Diego HRG. 2. City Staff will provide a letter to the applicant confirming that the qualifications of the PI and all persons involved in the historical monitoring of the project meet the qualification standards established by the HRG. 3. Prior to the start of work, the applicant must obtain approval from City Staff for any personnel changes associated with the monitoring program. <p>II. Prior to Start of Construction</p> <p>A. Documentation Program (DP)</p> <ol style="list-style-type: none"> 1. Prior to the first Precon Meeting and/or issuance of any construction permit, the DP shall be submitted to City Staff for review and approval and shall include the following: <ol style="list-style-type: none"> (a) Photo Documentation <ol style="list-style-type: none"> (1) Documentation shall include professional quality photo documentation of the historical resource(s) prior to any construction that may cause direct and/or indirect impacts to the resource(s) with 35mm black and white photographs, 4x6 standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, and decorative hardware. Photographs shall be of archival quality and easily reproducible. (2) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego HRB and the Civic San Diego Project file. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other relative historical society or group(s). 			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>(b) Required drawings</p> <p>(1) Measured drawings of the building’s exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blue-line drawings) are acceptable). Standard drawing sizes are 19 by 24 inches or 24 by 36 inches, standard scale is 1/4 inch = 1 foot.</p> <p>(2) One set of measured drawings shall be submitted for archival storage with the City of San Diego HRB, the Civic San Diego Project file, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other historical society or group(s).</p> <p>2. Prior to the first Precon Meeting, City Staff shall verify that the DP has been approved.</p> <p>B. PI Shall Attend Precon Meetings</p> <p>1. Prior to beginning any work that may impact any historical resource(s) which is/are subject to this MMRP, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Historical Monitor(s), Building Inspector (BI), if appropriate, and City Staff. The qualified Historian and/or Architectural Historian shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Historical Monitoring program with the Construction Manager and/or Grading Contractor.</p> <p>(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with City Staff, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Historical Monitoring Plan</p> <p>(a) Prior to the start of any work that is subject to an Historical Monitoring Plan,</p>			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>the PI shall submit an Historical Monitoring Plan which describes how the monitoring would be accomplished for approval by City Staff. The Historical Monitoring Plan shall include an Historical Monitoring Exhibit (HME) based on the appropriate construction documents (reduced to 11x17 inches) to City Staff identifying the areas to be monitored including the delineation of grading/excavation limits.</p> <p>(b) Prior to the start of any work, the PI shall also submit a construction schedule to City Staff through the RE indicating when and where monitoring will occur.</p> <p>(c) The PI may submit a detailed letter to City Staff prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as underpinning, shoring and/or extensive excavation which could result in impacts to, and/or reduce impacts to the on-site or adjacent historical resource.</p> <p>C. Implementation of Approved Treatment Plan for Historical Resources</p> <ol style="list-style-type: none"> 1. Implementation of the approved Treatment Plan for the protection of historical resources within the project site may not begin prior to the completion of the Documentation Program as defined above. 2. The qualified Historical Monitor(s) shall attend weekly jobsite meetings and be on-site daily during the stabilization phase for any retained or adjacent historical resource to photo document the Treatment Plan process. 3. The qualified Historical Monitor(s) shall document activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day and last day (Notification of Monitoring Completion) of the Treatment Plan process and in the case of ANY unanticipated incidents. The RE shall forward copies to City Staff. 4. Prior to the start of any construction related activities, the applicant shall provide verification to City Staff that all historical resources on-site have been adequately stabilized in accordance with the approved Treatment Plan. This may include a site visit with City Staff, the CM, RE or BI, but may also be accomplished through submittal of the draft Treatment Plan photo documentation report. 			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>5. City Staff will provide written verification to the RE or BI after the site visit or upon approval of draft Treatment Plan report indicating that construction related activities can proceed.</p> <p>III. During Construction</p> <p>A. Qualified Historical Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 1. The Qualified Historical Monitor(s) shall be present full-time during grading/excavation/trenching activities which could result in impacts to historical resources as identified on the HME. The Construction Manager is responsible for notifying the RE, PI, and City Staff of changes to any construction activities. 2. The Qualified Historical Monitor(s) shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY incidents involving the historical resource. The RE shall forward copies to City Staff. 3. The PI may submit a detailed letter to City Staff during construction requesting a modification to the monitoring program when a field condition arises which could effect the historical resource being retained on-site or adjacent to the construction site. <p>B. Notification Process</p> <ol style="list-style-type: none"> 1. In the event of damage to a historical resource retained on-site or adjacent to the project site, the Qualified Historical Monitor(s) shall direct the contractor to temporarily divert construction activities in the area of historical resource and immediately notify the RE or BI, as appropriate, and the PI (unless Monitor is the PI). 2. The PI shall immediately notify City Staff by phone of the incident, and shall also submit written documentation to City Staff within 24 hours by fax or email with photos of the resource in context, if possible. 			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>C. Determination/Evaluation of Impacts to a Historical Resource</p> <ol style="list-style-type: none"> 1. The PI shall evaluate the incident relative to the historical resource. <ol style="list-style-type: none"> (a) The PI shall immediately notify City Staff by phone to discuss the incident and shall also submit a letter to City Staff indicating whether additional mitigation is required. (b) If impacts to the historical resource are significant, the PI shall submit a proposal for City Staff review and written approval in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC and the Secretary of the Interior’s Standards for the Treatment of Historic Properties (1995) and the associated Guidelines. Direct and/or indirect impacts to historical resources from construction activities must be mitigated before work will be allowed to resume. (c) If impacts to the historical resource are not considered significant, the PI shall submit a letter to City Staff indicating that the incident will be documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required. <p>IV. Night Work</p> <p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon Meeting. 2. The following procedures shall be followed. <ol style="list-style-type: none"> (a) No Impacts/Incidents In the event that no historical resources were impacted during night and/or weekend work, the PI shall record the information on the CSVR and submit to City Staff via fax by 8 a.m. of the next business day. (b) Potentially Significant Impacts If the PI determines that a potentially significant impact has occurred to a historical resource, the procedures detailed under Section III - During 			

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	<p>Construction shall be followed.</p> <p>(c) The PI shall immediately contact City Staff, or by 8 a.m. of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night and/or weekend work becomes necessary during the course of construction:</p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify City Staff immediately. <p>C. All other procedures described above shall apply, as appropriate.</p> <p>V. Post Construction</p> <p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (HRG) and Appendices which describes the results, analysis, and conclusions of all phases of the Historical Monitoring Plan (with appropriate graphics) to City Staff for review and approval within 90 days following the completion of monitoring. <ol style="list-style-type: none"> (a) The preconstruction Treatment Plan and Documentation Plan (photos and measured drawings) and Historical Commemorative Program, if applicable, shall be included and/or incorporated into the Draft Monitoring Report. (b) The PI shall be responsible for updating (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any existing site forms to document the partial and/or complete demolition of the resource. Updated forms shall be submitted to the South Coastal Information Center with the Final Monitoring Report. 2. City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. 3. The PI shall submit revised Draft Monitoring Report to City Staff for approval. 			

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	<ol style="list-style-type: none"> 4. City Staff shall provide written verification to the PI of the approved report. 5. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to City Staff (even if negative), within 90 days after notification from City Staff that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from City Staff. 			
	<p>Mitigation Measure HIST-A.1-3: If a designated or potential historical resource (“historical resource”) as defined in the LDC would be demolished, the following measure shall be implemented in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <p>I. Prior to Issuance of a Demolition Permit</p> <p>A. A DP shall be submitted to City Staff to the HRB (“City Staff”) for review and approval and shall include the following:</p> <ol style="list-style-type: none"> 1. Photo Documentation <ol style="list-style-type: none"> (a) Documentation shall include professional quality photo documentation of the structure prior to demolition with 35 millimeter black and white photographs, 4x6 inch standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, decorative hardware. Photographs shall be of archival quality and easily reproducible. (b) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego HRB and the Civic San Diego Project file. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other relative historical society or group(s). 			

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	<p>2. Required drawings</p> <p>(a) Measured drawings of the building’s exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blue-line drawings are acceptable). Standard drawing sizes are 19 by 24 inches or 24 by 36 inches, standard scale is 1/4 inch = 1 foot.</p> <p>(b) One set of measured drawings shall be submitted for archival storage with the City of San Diego HRB, the Civic San Diego Project file, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other historical society or group(s).</p> <p>B. Prior to the first Precon Meeting City Staff shall verify that the DP has been approved.</p> <p>C. In addition to the Documentation Program, the Applicant shall comply with any other conditions contained in the Site Development Permit pursuant to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p>			
Impact HIST-B.1	Development in Downtown could impact significant buried archaeological resources. (Direct and Cumulative)			
	<p>Mitigation Measure HIST-B.1-1: If the potential exists for direct and/or indirect impacts to significant buried archaeological resources, the following measures shall be implemented in coordination with a Development Services Department designee and/or City Staff to the HRB (“City Staff”) in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC. Prior to issuance of any permit that could directly affect an archaeological resource, City Staff shall assure that all elements of the MMRP are performed in accordance with all applicable City regulations and guidelines by an Archaeologist meeting the qualifications specified in Appendix B of the San Diego LDC, Historical Resources Guidelines. City Staff shall also require that the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include residential and commercial properties, privies, trash pits, building foundations, and industrial features</p>	<p>Prior to Demolition or Grading Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	City Staff

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	<p>representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities. Archeological resources which also meet the definition of historical resources or unique archaeological resources under CEQA or the SDMC shall be treated in accordance with the following evaluation procedures and applicable mitigation program:</p> <p>Step 1–Initial Evaluation</p> <p>An initial evaluation for the potential of significant subsurface archaeological resources shall be prepared to the satisfaction of City Staff as part of an Environmental Secondary Study for any activity which involves excavation or building demolition. The initial evaluation shall be guided by an appropriate level research design in accordance with the City’s LDC, Historical Resources Guidelines. The person completing the initial review shall meet the qualification requirements as set forth in the Historical Resources Guidelines and shall be approved by City Staff. The initial evaluation shall consist , at a minimum, of a review of the following historical sources: The 1876 Bird’s Eye View of San Diego, all Sanborn Fire Insurance Company maps, appropriate City directories and maps that identify historical properties or archaeological sites, and a records search at the South Coastal Information Center for archaeological resources located within the property boundaries. Historical and existing land uses shall also be reviewed to assess the potential presence of significant prehistoric and historic archaeological resources. The person completing the initial review shall also consult with and consider input from local individuals and groups with expertise in the historical resources of the San Diego area. These experts may include the University of California, San Diego State University, San Diego Museum of Man, Save Our Heritage Organization, local historical and archaeological groups, the Native American Heritage Commission (NAHC), designated community planning groups, and other individuals or groups that may have specific knowledge of the area. Consultation with these or other individuals and groups shall occur as early as possible in the evaluation process.</p> <p>When the initial evaluation indicates that important archaeological sites may be present on a project site but their presence cannot be confirmed prior to construction or demolition due to obstructions or spatially limited testing and data recovery, the applicant shall prepare and implement an archaeological monitoring program as a condition of development approval to the satisfaction of City Staff. If the NAHC Sacred Lands File search is positive for Native American resources within the project site, then additional evaluation must include participation of a local Native American consultant in accordance with CEQA Sections 15064.5(d), 15126.4(b)(3) and Public Resources Code Section 21083.2.</p>			

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	<p>No further action is required if the initial evaluation demonstrates there is no potential for subsurface resources. The results of this research shall be summarized in the Secondary Study.</p> <p>Step 2–Testing</p> <p>A testing program is required if the initial evaluation demonstrates that there is a potential for subsurface resources. The testing program shall be conducted during the hazardous materials remediation or following the removal of any structure or surface covering which may be underlain by potential resources. The removal of these structures shall be conducted in a manner which minimizes disturbance of underlying soil. This shall entail a separate phase of investigations from any mitigation monitoring during construction.</p> <p>The testing program shall be performed by a qualified Historical Archaeologist meeting the qualifications specified in Appendix B of the San Diego LDC, HRG. The Historical Archaeologist must be approved by City Staff prior to commencement. Before commencing the testing, a treatment plan shall be submitted for City Staff approval that reviews the initial evaluation results and includes a research design. The research design shall be prepared in accordance with the City’s HRG and include a discussion of field methods, research questions against which discoveries shall be evaluated for significance, collection strategy, laboratory and analytical approaches, and curation arrangements. All tasks shall be in conformity with best practices in the field of historic urban archaeology.</p> <p>A recommended approach for historic urban sites is at a minimum fills and debris along interior lot lines or other areas indicated on Sanborn maps.</p> <p>Security measures such as a locked fence or surveillance shall be taken to prevent looting or vandalism of archaeological resources as soon as demolition is complete or paved surfaces are removed. These measures shall be maintained during archaeological field investigations. It is recommended that exposed features be covered with steel plates or fill dirt when not being investigated.</p> <p>The results of the testing phase shall be submitted in writing to City Staff and shall include the research design, testing results, significance evaluation, and recommendations for further treatment. Final determination of significance shall be made in consultation with City Staff , and with the Native American community, if the finds are prehistoric. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action is required. If no significant resources are found but results of the initial evaluation and testing phase indicates there is still a potential for resources to be</p>			

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	<p>present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the provisions set forth in Step 4 - Monitoring. If significant resources are discovered during the testing program, then data recovery in accordance with Step 3 shall be undertaken prior to construction. If the existence or probable likelihood of Native American human remains or associated grave goods area discovered through the testing program, the Qualified Archaeologist shall stop work in the area, notify the City Building Inspector, City staff, and immediately implement the procedures set forth in CEQA Guidelines Section 15064.5 and the California PRC Section 5097.98 for discovery of human remains. This procedure is further detailed in the Mitigation, Monitoring and Reporting Program (Step 4). City Staff must concur with evaluation results before the next steps can proceed.</p> <p>Step 3–Data Recovery</p> <p>For any site determined to be significant, a Research Design and Data Recovery Program shall be prepared in accordance with the City’s Historical Resources Guidelines, approved by City Staff, and carried out to mitigate impacts before any activity is conducted which could potentially disturb significant resources. The archaeologist shall notify City Staff of the date upon which data recovery will commence ten (10) working days in advance.</p> <p>All cultural materials collected shall be cleaned, catalogued and permanently curated with an appropriate institution. Native American burial resources shall be treated in the manner agreed to by the Native American representative or be reinterred on the site in an area not subject to further disturbance in accordance with CEQA section 15164.5 and the Public Resources Code section 5097.98. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center at San Diego State University. Any human bones and associated grave goods of Native American origin encountered during Step 2-Testing, shall, upon consultation, be turned over to the appropriate Native American representative(s) for treatment in accordance with state regulations as further outlined under Step 4-Monitoring (Section IV. Discovery of Human Remains).</p> <p>A draft Data Recovery Report shall be submitted to City Staff within twelve months of the commencement of the data recovery. Data Recovery Reports shall describe the research design or questions, historic context of the finds, field results, analysis of artifacts, and conclusions. Appropriate figures, maps and tables shall accompany the text. The report shall also include a</p>			

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	<p>catalogue of all finds and a description of curation arrangements at an approved facility, and a general statement indicating the disposition of any human remains encountered during the data recovery effort (please note that the location of reinternment and/or repatriation is confidential and not subject to public disclosure in accordance with state law). Finalization of draft reports shall be subject to City Staff review.</p> <p>Step 4 – Monitoring</p> <p>If no significant resources are encountered, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the following provisions and components:</p> <p>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to NTP for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first Precon Meeting, whichever is applicable, City Staff shall verify that the requirements for Archaeological Monitoring and Native American monitoring, where the project may impact Native American resources, have been noted on the appropriate construction documents. <p>B. Letters of Qualification have been submitted to City Staff</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to City Staff identifying the PI for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego HRG. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response training with certification documentation. 2. City Staff will provide a letter to the applicant confirming that the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG. 3. Prior to the start of work, the applicant must obtain written approval from City Staff for any personnel changes associated with the monitoring program. 			

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	<p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 1. The PI shall provide verification to City Staff that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed. 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. 3. The PI may submit a detailed letter to City Staff requesting a reduction to the 1/4 mile radius. <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), CM and/or Grading Contractor, RE, the Native American representative(s) (where Native American resources may be impacted), BI, if appropriate, and City Staff. The qualified Archaeologist and the Native American consultant/monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor. <ol style="list-style-type: none"> (a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with City Staff, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. 2. Archaeological Monitoring Plan (AMP) <ol style="list-style-type: none"> (a) Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Plan (with verification that the AMP has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) which describes how the monitoring would be accomplished for approval by City Staff and the Native American monitor. The AMP shall include an Archaeological Monitoring 			

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	<p>Exhibit (AME) based on the appropriate construction documents (reduced to 11 by 17 inches) to City Staff identifying the areas to be monitored including the delineation of grading/excavation limits.</p> <p>(b) The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>(c) Prior to the start of any work, the PI shall also submit a construction schedule to City Staff through the RE indicating when and where monitoring will occur.</p> <p>(d) The PI may submit a detailed letter to City Staff prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p> <p>III. During Construction</p> <p>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 1. The Archaeological monitor shall be present full-time during all soil disturbing and grading/excavation /trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and City Staff of changes to any construction activities. 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME, and provide that information to the PI and City Staff. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Processes detailed in Sections III.B-C, and IVA-D shall commence. 3. The archeological and Native American consultant/monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to City Staff. 			

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	<p>4. The PI may submit a detailed letter to City Staff during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.</p> <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate. 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 3. The PI shall immediately notify City Staff by phone of the discovery, and shall also submit written documentation to City Staff within 24 hours by fax or email with photos of the resource in context, if possible. 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered. <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below. <ol style="list-style-type: none"> (a) The PI shall immediately notify City Staff by phone to discuss significance determination and shall also submit a letter to City Staff indicating whether additional mitigation is required. (b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor when applicable, and obtain written approval from City Staff and the Native American representative(s), if applicable. Impacts to 			

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	<p>significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>(c) If the resource is not significant, the PI shall submit a letter to City Staff indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p> <p>IV. Discovery of Human Remains</p> <p>If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <ol style="list-style-type: none"> 1. Archaeological Monitor shall notify the RE or BI as appropriate, City Staff, and the PI, if the Monitor is not qualified as a PI. City Staff will notify the appropriate Senior Planner in the Environmental Analysis Section of the Development Services Department to assist with the discovery process. 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone. <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains. 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance. 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin. 			

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	<p>C. If Human Remains are determined to be Native American</p> <ol style="list-style-type: none"> 1. The Medical Examiner will notify the NAHC within 24 hours. By law, ONLY the Medical Examiner can make this call. 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e) and the California Public Resources and Health & Safety Codes. 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods. 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and if: <ol style="list-style-type: none"> (a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR; (b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN, (c) In order to protect these sites, the Landowner shall do one or more of the following: <ol style="list-style-type: none"> (1) Record the site with the NAHC; (2) Record an open space or conservation easement on the site; (3) Record a document with the County. 6. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing 			

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	<p>cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.</p> <p>D. If Human Remains are not Native American</p> <ol style="list-style-type: none"> 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial. 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98). 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with City Staff, the applicant/landowner and the San Diego Museum of Man. <p>V. Night and/or Weekend Work</p> <p>A. If night and/or work is included in the contract</p> <ol style="list-style-type: none"> 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon Meeting. 2. The following procedures shall be followed. <ol style="list-style-type: none"> (a) No Discoveries <p>In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to City Staff via fax by 8 am of the next business day.</p> (b) Discoveries <p>All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.</p> 			

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	<p>(c) Potentially Significant Discoveries</p> <p>If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed.</p> <p>(d) The PI shall immediately contact City Staff, or by 8 am of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify City Staff immediately. <p>C. All other procedures described above shall apply, as appropriate.</p> <p>VI. Post Construction</p> <p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) prepared in accordance with the HRG and Appendices which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to City Staff, for review and approval within 90 days following the completion of monitoring. (a) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report. (b) Recording sites with State of California Department of Parks and Recreation <p>The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.</p>			

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	<ol style="list-style-type: none"> 2. City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. 3. The PI shall submit revised Draft Monitoring Report to City Staff for approval. 4. City Staff shall provide written verification to the PI of the approved report. 5. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued. 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. 3. The PI shall submit a Collections Management Plan to City Staff for review and approval for any project which results in a substantial collection of historical artifacts. <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with City Staff and the Native American representative, as applicable. 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and City Staff. 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance in accordance with section IV – Discovery of Human Remains, subsection 5.(d). 			

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Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to City Staff (even if negative), within 90 days after notification from City Staff that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from City Staff which includes the Acceptance Verification from the curation institution. 			
LAND USE (LND)				
Impact LU-B.1	Noise generated by major ballpark events could cause interior noise levels in noise-sensitive uses (e.g. residential and hotels) within four blocks of the ballpark to exceed the 45 dB(A) limit mandated by Title 24 of the California Code. (Direct)			
	Implementation of the noise attenuation measures required by Mitigation Measure NOI-B.2-1 would reduce interior noise levels to 45 dB (A) CNEL and reduce potential impacts to below a level of significance.	<p>Prior to Building Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	Civic San Diego/City
Impact LU-B.2	Noise generated by I-5 and highly traveled grid streets could cause noise levels in noise-sensitive uses not governed by Title 24 to exceed 45 dB(A). (Direct)			
	Mitigation Measures NOI-B.1-1 and NOI-C.1.1, as described below.	<p>Prior to Building Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	Civic San Diego/City

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
Impact LU-B.3	Noise levels in Downtown areas within the 65 CNEL contour of SDIA could exceed 45 dB(A) for noise sensitive uses not covered by Title 24. (Direct)			
	Mitigation Measures NOI-B.1-1, as described below.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	Civic San Diego/City
Impact LU-B.4	Noise generated by train horns, engines and wheels as well as bells at crossing gates would significantly disrupt sleep of residents along the railroad tracks. (Direct)			
	Mitigation Measure LU-B.4-1: Prior to approval of a Building Permit which would expose habitable rooms to disruptive railroad noise, an acoustical analysis shall be performed. The analysis shall determine the expected exterior and interior noise levels related to railroad activity. As feasible, noise attenuation measures shall be identified which would reduce noise levels to 45 dB(A) CNEL or less in habitable rooms. Recommended measures shall be incorporated into building plans before approval of a Building Permit.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City
Impact LU-B.5	Ballpark lighting would interrupt sleep in residences and hotels within two blocks of the ballpark. (Direct)			
	Mitigation Measure LU-B.5.1: Prior to approval of a Building Permit which would result in a light sensitive use within a two-block radius of Petco Park, the applicant shall provide a lighting study that demonstrates to the satisfaction of Civic San Diego that habitable rooms would be equipped with light attenuation measures which would allow occupants to reduce night-time light levels to 2.0 foot-candles or less.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	Civic San Diego/City

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
NOISE (NOI)				
Impact NOI-B.1	Noise generated by I-5 and highly traveled grid streets could cause interior noise levels in noise-sensitive uses (exclusive of residential and hotel uses) to exceed 45 dB(A). (Direct)			
	Mitigation Measure NOI-B.1-1: Prior to approval of a Building Permit for any residential, hospital, or hotel within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to confirm that architectural or other design features are included which would assure that noise levels within habitable rooms would not exceed 45 dB(A) CNEL.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	Civic San Diego/City
Impact NOI-B.2	Noise generated by major ballpark events could cause interior noise levels in noise-sensitive uses (e.g. residential and hotels) within four blocks of the ballpark to exceed the 45 dB(A) limit mandated by Title 24 of the California Code. (Direct)			
	Mitigation Measure NOI-B.2-1: Prior to approval of a Building Permit for any noise-sensitive land uses within four blocks of Petco Park, an acoustical analysis shall be performed. The analysis shall confirm that architectural or other design features are included in the design which would assure that noise levels within habitable rooms would not exceed 45 dB(A) CNEL.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City
Impact NOI-C.1	Exterior required outdoor open space in residential could experience traffic noise levels in excess of 65 dB(A) CNEL. (Direct)			
	Mitigation Measure NOI-C.1-1: Prior to approval of a Development Permit for any residential development within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to determine if any required outdoor open space areas would be exposed to noise levels in excess of 65 dB(A) CNEL. Provided noise attenuation would not interfere with the primary purpose or design intent of the exterior use, measures shall be included in building plan, to the extent feasible.	Prior to Development Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
Impact NOI-D.1	Recreation areas within public parks and plazas may experience traffic noise levels in excess 65 dB(A) CNEL. (Direct)			
	Mitigation Measure NOI-D.1-1: Prior to approval of a Development Permit for any public park or plaza within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to determine if any recreation areas would be exposed to noise levels in excess of 65 dB(A) CNEL. Provided noise attenuation would not interfere with the intended recreational use or park design intent, measures shall be included, to the extent feasible.	Prior to Development Permit (Design) Prior to Certificate of Occupancy (Implementation)	Civic San Diego/ Developer	City
PALEONTOLOGICAL RESOURCES (PAL)				
Impact PAL-A.1	Excavation in geologic formations with a moderate to high potential for paleontological resources could have an significant impact on these resources, if present. (Direct)			
	<p>Mitigation Measure PAL-A.1-1: In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by Civic San Diego.</p> <p>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to NTP for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, Centre City Development Corporation Civic San Diego shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents. <p>B. Letters of Qualification have been submitted to Civic San Diego</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to Civic San Diego identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines. 2. Civic San Diego will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project. 3. Prior to the start of work, the applicant shall obtain approval from Civic San Diego for any personnel changes associated with the monitoring program. 			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 1. The PI shall provide verification to Civic San Diego that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed. 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and Civic San Diego. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the paleontological monitoring program with the Construction Manager and/or Grading Contractor. <ol style="list-style-type: none"> a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with Civic San Diego, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. 2. Identify Areas to be Monitored <ol style="list-style-type: none"> a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11 by 17 inches) to Civic San Diego identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation). 3. When Monitoring Will Occur <ol style="list-style-type: none"> a. Prior to the start of any work, the PI shall also submit a construction schedule 			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>to Civic San Diego through the RE indicating when and where monitoring will occur.</p> <p>b. The PI may submit a detailed letter to Civic San Diego prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.</p> <p>III. During Construction</p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and Civic San Diego of changes to any construction activities. 2. The monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to Civic San Diego. 3. The PI may submit a detailed letter to Civic San Diego during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate. 			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</p> <p>3. The PI shall immediately notify Civic San Diego by phone of the discovery, and shall also submit written documentation to Civic San Diego within 24 hours by fax or email with photos of the resource in context, if possible.</p> <p>C. Determination of Significance</p> <p>1. The PI shall evaluate the significance of the resource.</p> <p>a. The PI shall immediately notify Civic San Diego by phone to discuss significance determination and shall also submit a letter to Civic San Diego indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.</p> <p>b. If the resource is significant, the PI shall submit a Paleontological Recovery Program and obtain written approval from Civic San Diego. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to Civic San Diego unless a significant resource is encountered.</p> <p>d. The PI shall submit a letter to Civic San Diego indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</p> <p>IV. Night Work</p> <p>A. If night work is included in the contract</p> <p>1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.</p>			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>2. The following procedures shall be followed.</p> <p>a. No Discoveries</p> <p>(1) In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to Civic San Diego via fax by 9 a.m. the following morning, if possible.</p> <p>b. Discoveries</p> <p>(1) All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</p> <p>c. Potentially Significant Discoveries</p> <p>(1) If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</p> <p>d. The PI shall immediately contact Civic San Diego, or by 8 a.m. the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night work becomes necessary during the course of construction</p> <p>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The RE, or BI, as appropriate, shall notify Civic San Diego immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p> <p>V. Post Construction</p> <p>A. Submittal of Draft Monitoring Report</p> <p>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to Civic San Diego for review and approval within 90 days following the completion of monitoring,</p> <p>a. For significant paleontological resources encountered during monitoring, the</p>			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>Paleontological Recovery Program shall be included in the Draft Monitoring Report.</p> <p>b. Recording Sites with the San Diego Natural History Museum</p> <p>(1) The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.</p> <p>2. Civic San Diego shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p> <p>3. The PI shall submit revised Draft Monitoring Report to Civic San Diego for approval.</p> <p>4. Civic San Diego shall provide written verification to the PI of the approved report.</p> <p>5. Civic San Diego shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Fossil Remains</p> <p>1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.</p> <p>2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate</p> <p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <p>1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.</p> <p>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and Civic San Diego.</p>			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Final Monitoring Report to Civic San Diego (even if negative), within 90 days after notification from Civic San Diego that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from Civic San Diego which includes the Acceptance Verification from the curation institution. 			
TRAFFIC AND CIRCULATION (TRF)				
Impact TRF-A.1.1	Increased traffic on grid streets from Downtown development would result in unacceptable levels of service on specific roadway intersections and/or segments within downtown. (Direct)			
	<p>Mitigation Measure TRF-A.1.1-1: At five-year intervals, commencing upon adoption of the Downtown Community Plan, Civic San Diego shall conduct a downtown-wide evaluation of the ability of the grid street system to accommodate traffic within Downtown. In addition to identifying roadway intersections or segments which may need immediate attention, the evaluation shall identify roadways which may warrant interim observation prior to the next 5-year evaluation. The need for roadway improvements shall be based upon deterioration to LOS F, policies in the Mobility Plan, and/or other standards established by Civic San Diego, in cooperation with the City Engineer. In completing these studies, the potential improvements identified in Section 6.0 of the traffic study for the Downtown San Diego Mobility Plan and Section 4.2.3.3 of the SEIR will be reviewed to determine whether these or other actions are required to improve traffic flow along affected roadway corridors. Specific improvements from Section 4.2.3.3 include:</p> <p><u>Mitigation Measures that Fully Reduces Impact</u></p> <p>I-5 northbound off-ramp/Brant Street and Hawthorn Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Second Avenue and Cedar Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Fourth Avenue and Beech Street – Convert on-street parking to a travel lane on Fourth Avenue between Cedar Street and Ash Street during the AM peak hour.</p>	Every five years	Civic San Diego/City	Civic San Diego/City

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>First Avenue and A Street – Remove on-street parking on the north side of A Street between First and Front avenues as necessary to provide an east bound left turn lane.</p> <p>17th Street and B Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>16th Street and E Street – Remove on-street parking on the east side of 16th Street south of E Street as necessary to provide a northbound right-turn lane.</p> <p>Eleventh Avenue and G Street – Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>Park Boulevard and G Street – Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>16th Street and Island Avenue – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>19th Street and J Street – Restripe the northbound left-turn lane into a northbound left-turn and through shared lane.</p> <p>Logan Avenue and I-5 southbound off-ramp – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p><u>Mitigation Measures that Partially Reduces Impact</u></p> <p>Front Street and Beech Street - Convert on-street parking to a travel lane on Front Street between Cedar Street and Ash Street during the PM peak hour.</p> <p>15th Street and F Street - Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>13th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>14th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>16th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th</p>			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>Avenue and 17th Street during the PM peak hour.</p> <p>17th Street and G Street - Signalization and convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Following the completion of each five-year monitoring event, Civic San Diego shall incorporate needed roadway improvements into the City of San Diego CIP or identify another implementation strategy.</p> <p>In order to determine if the roadway improvements included in the current five-year CIP, or the equivalent, are sufficient to accommodate developments, a traffic study would be required for large projects. The threshold to be used for determining the need for a traffic study shall reflect the traffic volume threshold used in the Congestion Management Program. The Congestion Management Program stipulates that any activity forecasted to generate 2,400 or more daily trips (200 or more equivalent peak hour trips).</p>			
	<p>Mitigation Measure TRF-A.1.1-2: Prior to approval of any development which would generate a sufficient number of trips to qualify as a large project under the Congestion Management Program (i.e. more than 2,400 daily trips, or 200 trips during a peak hour period), a traffic study shall be completed. The traffic study shall be prepared in accordance with City’s Traffic Impact Study Manual. If the traffic study indicates that roadways substantially affected by the project would operate at LOS F with the addition of project traffic, the traffic study shall identify improvements to grid street segments and/or intersections consistent with the Downtown San Diego Mobility Plan which would be required within the next five years to achieve an acceptable LOS or reduce congestion, to the extent feasible. If the needed improvements are already included in the City of San Diego’s CIP, or the equivalent, no further action shall be required. If any of the required improvements are not included in the CIP, or not expected within five years of project completion, the City of San Diego shall amend the CIP, within one year of project approval, to include the required improvements and assure that they will be implemented within five years of project completion. At Civic San Diego’s discretion, the developer may be assessed a pro-rated share of the cost of improvements as a condition of project approval.</p>	Prior to Development Permit (Design)	Developer	Civic San Diego/City
Impact TRF-A.1.2	Increased traffic from Downtown development on certain streets surrounding Downtown would result in an unacceptable level of service. (Direct and Cumulative)			
	Implementation of Mitigation Measure TRF-A.1.1-1 would also reduce impacts on surrounding	Every five years	Civic San	Civic San

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	roadways but not necessarily below a level of significance.		Diego/City	Diego/City
Impact TRF-A.2.1-1	Elimination of Cedar St. off-ramp would impact other freeway ramps by redirecting traffic to other off ramps serving downtown. (Direct)			
	Mitigation Measure TRF A.2.2-1: Prior to elimination of the Cedar Street off-ramp from I-5, a traffic study shall be done by Civic San Diego in consultation with the City of San Diego and Caltrans to determine the potential effects associated with elimination of the off-ramp and the conversion of Cedar Street from one- to two-way. The report shall also identify roadway modifications that would minimize potential impacts on local surface streets and I-5.	Prior to elimination of Cedar Street off-ramp (Design/Implementation)	Civic San Diego/City	Civic San Diego/City

Page 3	City of San Diego · Information Bulletin 620		August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101		<h2 style="text-align: center;">Community Planning Committee Distribution Form</h2>
Project Name: Dreamboat		Project Number: PRJ-1107392	
Community: Downtown			
<p style="text-align: center;">For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p style="text-align: center;">Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input checked="" type="radio"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny			Date of Vote: February 21, 2024
# of Members Yes 14	# of Members No 0	# of Members Abstain 0	
Conditions or Recommendations: N/A			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Manny Rodriguez			
TITLE: Chair, Downtown Community Planning Council		DATE: March 10, 2024	
<div style="border: 1px solid black; height: 50px; width: 100%;"></div>			

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Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

RESOLUTION NUMBER R- 315687

DATE OF FINAL PASSAGE JUL 16 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS PROPOSAL TO OVERRULE THE SAN DIEGO AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE PROJECT PROPOSED AT 2345 KETTNER BOULEVARD IS INCONSISTENT WITH THE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE SAN DIEGO INTERNATIONAL AIRPORT.

WHEREAS, Inside Voice Ventures, LLC, Owner/Permittee, proposes a hotel with 60 guestrooms and supporting offices totaling 24,238 square feet, a wellness center of 6,721 square feet with a locker room of 1,694 square feet, offices totaling 5,300 square feet, two restaurants totaling 6,831 square feet, and a rooftop garden and underground parking for a total of 43,090 square feet for the site located at 2345 Kettner Boulevard, and legally described as Lot 3 In Block 66 of Middletown, in the City Of San Diego, County Of San Diego, State Of California, According to Partition Map thereof made by J.E. Jackson, on file in the Office of the County Clerk; 2311 Kettner Boulevard, and legally described as Lot 6 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State Of California, According to Partition Map made by J.E. Jackson, filed in the Office of the County Recorder of said San Diego County, October 19, 1874.; 2321 Kettner Boulevard, and legally described as Lot 5 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map thereof made by J. E. Jackson on file In the Office of the Clerk of said County; 2327 Kettner Boulevard, and legally described as Lot 4 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map therefore made By J. E. Jackson on file in the Office of the Clerk of said County; and 2328 India Street, and legally described as Lot 10 In Block 66 of Middletown, in the City Of San Diego, County of

San Diego, State of California, According to the Map thereof made By J. E. Jackson on File in the Office of the Clerk of said County, in the Downtown Community Plan area, in the CCPD-MC (Mixed Commercial) land use district; and

WHEREAS, on December 15, 2023, the Airport Land Use Commission (ALUC) Determination Application was submitted to the San Diego County Regional Airport Authority (SDCRAA), serving as the ALUC, for a determination of consistency with the Airport Land Use Compatibility Plan (ALUCP) because the proposed use deviates from intensity thresholds for uses identified as “limited” within the Safety Zone 2E Centre City - Little Italy of the Airport Land Use Compatibility Plan; and

WHEREAS, on January 5, 2024, the SDCRAA, acting in its capacity as the ALUC, reviewed the ALUC Determination Application and determined it is not consistent with the ALUCP because it exceeds the ALUCP’s allowable intensity for Visitor Accommodation use, specifically the limitation of having no more than 56 rooms/acre and cannot have other uses unless the use is ancillary; and

WHEREAS, California Public Utilities Code (Public Utilities Code) section 21676.5(a) grants the Council of the City of San Diego (City Council) the authority to overrule a determination of inconsistency from the ALUC if the governing body undertakes a two-part process, with both parts requiring a two-thirds vote as follows: (1) makes proposed findings regarding purpose and intent of Public Utilities Code section 21670, and (2) approve the overrule at a noticed public hearing; and

WHEREAS, San Diego Municipal Code (Municipal Code) section 132.1555 requires that for the City Council to overrule a determination of inconsistency, it must adopt not only the proposed findings regarding purpose and intent set forth in Public Utilities Code section 21670,

but also findings that the development is not detrimental to the public health, safety, and welfare, and that the development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible; and

WHEREAS, an application was filed with the City of San Diego for a Site Development Permit to request the City Council propose a decision to overrule the determination of inconsistency with the San Diego International Airport (SDIA) Land Use Compatibility Plan by the SDCRAA, acting as the ALUC for SDIA, to allow a land use deviation from the maximum land use intensity limit (Overrule); and

WHEREAS, City staff determined the proposed use and intensity exceed the maximum intensity established by the ALUCP for a Visitor Accommodation use, and a City Council overrule of this inconsistency determination is required pursuant to Municipal Code section 132.1555; and

WHEREAS, the Overrule requires a Site Development Permit for the City Council to overrule the determination of inconsistency within Safety Zone 2E of the ALUCP in accordance with Municipal Code sections 132.1520(e) and 132.1520(c)(2); and

WHEREAS, any decision to overrule a determination of consistency requires two hearings pursuant to Public Utilities Code section 21676.5(a). The first hearing shall be a proposed decision whether to overrule and the second hearing shall be a final decision whether to overrule; and

WHEREAS, the matter was set for public hearing on July 16, 2024, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, pursuant to Public Utilities Code section 21676.5(a) and Municipal Code section 132.1555(d), a two-thirds vote of the City Council is required for passage of this Resolution; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE.

BE IT RESOLVED, that the Council of the City of San Diego declares its proposal to Overrule the ALUC, finding that the project is consistent with the purpose and intent of Public Utilities Code section 21670, and adopts these findings as set forth in Municipal Code section 132.1555:

a. The proposed development will not be detrimental to the public health, safety, and welfare.

The Overrule to allow a land use deviation from the maximum land use intensity limit pertains to the Visitor Accommodations use category of the Airport Land Use Compatibility Overlay Zone (ALUCOZ). Visitor Accommodations within Safety Zone 2E in the Airport Land Use Compatibility Plan are conditionally compatible provided certain regulations are met such as limiting Visitor Accommodations to no more than 56 rooms per acre and prohibiting other uses unless ancillary to the hotel use. Ancillary uses are defined in the ALUCP Policy S.9 as uses primarily intended for use by the employees and occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area of a building. Accordingly, the 24,754-SF (0.57 acre) subject site allows for a maximum of 32 hotel guest rooms. The Overrule raises the maximum land use intensity limit from 32 hotel guest rooms to 60 hotel guest rooms, increases the

allowable ancillary use area from 10% to 15.6% of the total gross floor area of the building, and allows other non-ancillary uses for the site as shown in Table 1 below. The ancillary uses include hotel amenities such as spa, massage, and gym. The Overrule raises the maximum land use intensity limit, increases the ancillary use area, and allows other uses (restaurant and office) identified in Table 1 below for the subject site. This action is necessary for a development project to move forward at the subject site. Future development of the site will require all necessary permits to allow for construction.

Table 1 - Intensity Threshold for Visitor accommodation within Safety Zone 2E – Little Italy ¹			
	Maximum Allowed	Proposed	Difference
Hotel Guest Rooms	32 Rooms	60 rooms	+28 rooms
Ancillary Uses ²	10% (4,309 SF)	15.6% (6,721 SF)	+5.6% (2,412 SF)
Other Uses	Not allowed	Restaurants and Offices	+ Restaurants and Offices

¹ For visitor accommodations, no more than 56 rooms per acre, no conference facilities, and no other uses unless ancillary.

² Ancillary uses are primarily intended for use by the employees/residents/occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area per Airport Land Use Compatibility Plan – Policy S.9.

The applicant submitted an application narrative and supporting diagrams included with the staff report as Attachments 4 and 5. In the submitted documents, they describe the Overrule as compatible with the land use intensity of the surrounding existing uses. The California Airport Land Use Planning Handbook measures and compares compatibility of land use types using intensity (the number of people per acre) and defines compatibility as “uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or (safety) hazards.” The applicant surveyed similar uses and occupancy levels (people per square-foot) within a two-block radius of the subject site to compare the proposed land use intensity for the site to existing surrounding sites, as shown on the drawings (Sheet AP051, Attachment 5). Based upon the survey, the applicant determined that the average occupancy level of the blocks surrounding the subject site is 309 people per acre.

Pursuant to Section 132.1515(h) of the ALUCOZ, hotel uses cannot contain other uses unless they are ancillary to the hotel use. The Overrule will allow visitor accommodations use with non-ancillary uses. In this case, the land use intensity is calculated as a mix of two or more nonresidential uses, per Section 132.1515(c)(3)(B)(iv). The number of people in a building can be calculated by dividing the total floor area of a proposed use by the minimum square feet per occupant (occupancy factor) requirement listed in Table 132-15J of Section 132.1515. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre (intensity).

As shown in Table 2 below, a 60-hotel room within a 20,196-square-foot area with an occupancy factor of 200 square feet per person equates to 100 people per acre. A wellness center within a 2,412-square-foot area (5.6% over the required 10% of a building area) with an occupancy factor of 215 square feet per person equates to 11 people per acre. A restaurant within a 6,831-square-foot area with an occupancy factor of 60 square feet per person equates to 114 people per acre. Lastly, an office use within a 5,300-square-foot area with an occupancy factor of 215 square feet per person equates to 25 people per acre. Thus, the overrule will allow for an average land use intensity of 438 people per acre for the subject site.

Table 2 – Occupancy Load			
	Occupancy Factor	Proposed Uses (SF)	Proposed Occupants (people per acre)
Hotel Guest Rooms	200 SF/person	20,196 SF	100
Ancillary Uses	215 SF/person (Wellness)	6,721 SF	11 ¹
Other Uses	60 SF/person (restaurant)	6,831 SF (restaurant)	114
	215 SF/person (office)	5,300 SF (office)	25
Auxiliary Back of House	0	4,042 SF	0
Total Occupancy		43,090 SF	250
Site Area		24,754 SF (0.57 acre)	
Total Occupancy Level for Site			438 ²

¹ Based on the 2,412 SF beyond the 10% ancillary use limitation per Footnote 5 to Table 142-15I of Sec. 132.1515(h). 4,309 SF of ancillary use is permitted by right.

² Total occupancy for the site is derived from 250 people / acre divided by 0.57 acre.

Given the intensity for each use in Section 132.1515(h), the Overrule will allow for an average land use intensity of 438 people per acre for the subject site; however, as the applicant's survey concluded, the average intensity for the block (includes the subject site and abutting existing properties) would be 270 people per acre (Sheet AP052, Attachment 5), which is 39 people per acre less than the average occupancy level of the blocks surrounding the subject site (309 people per acre). The number of people in the subject site is lower than the average intensity of neighboring blocks, thus minimizing non-residential intensity and activities that attract people in the location and the risk resulting in the Overrule is

no greater than that currently exist within the vicinity of the airport; therefore, it is not detrimental to the public health, safety, or welfare of the community.

b. The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.

The Overrule to allow a land use deviation from the maximum land use intensity limit pertains to the Visitor Accommodations use category of the ALUCOZ. The Overrule raises the maximum land use intensity limit, increase the ancillary use area, and allows other uses for the subject site. The Overrule raises the maximum land use intensity limit, increases the ancillary use area, and allows other uses (restaurant and office) for the subject site. This action is necessary for a development project to move forward at the subject site. Future development of the site will require all necessary permits to allow for construction.

Given the intensity for each use in Section 132.1515(h), the Overrule will allow for an average land use intensity of 438 people per acre for the subject site; however, as the applicant's survey concluded, the average intensity for the block (includes the subject site and abutting existing properties) would be 270 people per acre (Sheet AP052, Attachment 5), which is 39 people per acre less than the average occupancy level of the blocks surrounding the subject site (309 people per acre). The number of people in the subject site is lower than the average intensity of neighboring blocks, thus minimizing non-residential intensity and activities that attract people in the location and the risk resulting in the Overrule is no greater than that currently exist within the vicinity of the airports.

The subject site is within the 75+ decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies Visitor Accommodation, Office and Eating & Drinking Establishment uses located within the 75+ dB CNEL noise contour as conditionally compatible with airport uses, provided that sleeping rooms are sound attenuated to 45 dB CNEL interior noise level and other indoor areas are attenuated to 50 dB CNEL interior noise level. Any construction permit must adhere to Noise Compatibility requirement pursuant to Section 132.1510 such as providing noise attenuation via the use of STC rated windows and doors to achieve a 45 db CNEL interior noise level within sleeping rooms and 50 dB CNEL noise level within other interior areas. The ALUC consistency determination acknowledges the location of the site in the 75+ dB CNEL noise exposure, but does not state an inconsistency or objection based upon noise.

The subject site is within the Review Area 1. Within each airport influence area, an airspace protection area is designated to protect navigable airspace and to avoid creation of hazards to aircraft in flight in accordance with Code of Federal Regulations, Title 14, Part 77 (Federal Aviation Regulations Part 77). Any construction permit must adhere to the Airspace Protection Compatibility requirement pursuant to Section 132.1520 such as obtaining a Determination of no Hazard to Air Navigation from the Federal Aviation Administration and an avigation easement for airspace to be recorded with the County Recorder. The

ALUC consistency determination stated that the project would be compatible with the ALCUP airspace protection surfaces provided that the structure is marked and lighted in accordance with a Determination of no Hazard to Air Navigation from the Federal Aviation Administration and an avigation easement for airspace to be recorded with the County Recorder. As such, the proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.

c. The proposed development will meet the purpose and intent of the California Public Utilities Code Section 21670.


The purpose of Section 21670 is to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems; and to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

Given the intensity for each use in Section 132.1515(h), the Overrule will allow for an average land use intensity of 438 people per acre for the subject sites; however, as the applicant's survey concluded, the average intensity for the block would be 270 people per acre when the intensity of the subject site is added to the abutting existing properties on the same block (Sheet AP052, Attachment 5), which is 39 people per acre less than the average occupancy level of the blocks surrounding the subject site (309 people per acre). The number of people in the subject site is lower than the average intensity of neighboring blocks, thus minimizing non-residential intensity and activities that attract people in the location and the risk resulting in the Overrule is no greater than that currently exist within the vicinity of the airport; therefore, it is not detrimental to the public health, safety, or welfare of the community. In addition, any construction permit that initiates the utilization of this development permit must adhere to the Noise Compatibility and the Airspace Protection Compatibility requirements pursuant to Section 132.1510 and Section 132.1520. Thus, the ability for the orderly expansion of the San Diego International Airport will not be affected by the proposed land use intensity.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, the City Council proposes to Overrule the determination of inconsistency by San Diego County Regional Airport Authority, acting as the Airport Land Use Commission for San Diego County.

BE IT FURTHER RESOLVED, that staff is directed to send the Notice of Proposed Final Decision to Overrule to the ALUC, Caltrans Division of Aeronautics, and SDCRAA as the Airport Operator.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Chief Deputy City Attorney

CLN:jn
June 21, 2024
Or.Dept: DSD
Doc. No. 3711065

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 16 2024.

DIANA J.S. FUENTES
City Clerk

By 

Deputy City Clerk

Passed by the Council of The City of San Diego on JUL 16 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 16 2024.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **315687**

CITY COUNCIL RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 3260729
ALUC OVERRULE AT 2345 KETTNER BOULEVARD - PROJECT NO. 1107392

WHEREAS, INSIDE VOICE VENTURES, LLC, Owner/Permittee, requested a Site Development Permit No. 3260729 to propose a hotel with 60 guestrooms and supporting offices totaling 24,238 square feet, a wellness center of 6,721 square feet with a locker room of 1,694 square feet, offices totaling 5,300 square feet, two restaurants totaling 6,831 square feet, and a rooftop garden and underground parking for a total of 43,090 square feet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3260729) on portions of a 0.57 acre project site located at 2345 Kettner Boulevard in the Mixed-Commercial land use district of the Centre City Planned District (CCPD-MC);

WHEREAS, the project site is legally described as Lot 3 In Block 66 of Middletown, in the City Of San Diego, County Of San Diego, State Of California, According to Partition Map thereof made by J.E. Jackson, on file in the Office of the County Clerk; 2311 Kettner Boulevard, and legally described as Lot 6 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State Of California, According to Partition Map made by J.E. Jackson, filed in the Office of the County Recorder of said San Diego County, October 19, 1874.; 2321 Kettner Boulevard, and legally described as Lot 5 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map thereof made by J. E. Jackson on file In the Office of the Clerk of said County; 2327 Kettner Boulevard, and legally described as Lot 4 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map therefore made By J. E. Jackson on file in the Office of the Clerk of said County; and 2328 India Street, and legally described as Lot 10 In Block 66 of Middletown, in the City Of San Diego, County of San Diego, State of California, According to the Map thereof made By J. E. Jackson on File in the Office of the Clerk of said County; and

WHEREAS, on December 15, 2023, the Airport Land Use Commission (ALUC) Determination Application was submitted to the San Diego County Regional Airport Authority (SDCRAA), serving as the ALUC, for a determination of consistency with the Airport Land Use Compatibility Plan (ALUCP) because the proposed use deviates from intensity thresholds for uses identified as “limited” within the Safety Zone 2E Centre City - Little Italy of the Airport Land Use Compatibility Plan; and

WHEREAS, on January 5, 2024, the SDCRAA, acting in its capacity as the ALUC, reviewed the ALUC Determination Application and determined it is not consistent with the ALUCP because it exceeds the ALUCP’s allowable intensity for Visitor Accommodation use, specifically the limitation of having no more than 56 rooms/acre and cannot have other uses unless the use is ancillary; and

WHEREAS, an application was filed with the City of San Diego for a Site Development Permit to request the City Council propose a decision to overrule the determination of inconsistency with the San Diego International Airport (SDIA) Land Use Compatibility Plan by the SDCRAA, acting as the ALUC for SDIA, to allow a land use deviation from the maximum land use intensity limit (Overrule); and

WHEREAS, City staff determined the proposed use and intensity exceed the maximum intensity established by the ALUCP for a Visitor Accommodation use, and a City Council overrule of this inconsistency determination is required pursuant to Municipal Code section 132.1555; and

WHEREAS, the overrule requires a Site Development Permit for the City Council to overrule the determination of inconsistency within Safety Zone 2E of the ALUCP in accordance with Municipal Code sections 132.1555 and 132.1550(c)(2); and

WHEREAS, on July 16, 2024, pursuant to the California Public Utilities (CPUC) and San Diego Municipal Code (SDMC), the City Council voted 9-0 to propose to overrule the SDCRAA’s determination of inconsistency and direct staff to send the Notice of Proposed Decision to Overrule

to ALUC, Caltrans Division of Aeronautics, and SDCRAA as the Airport Operator (Resolution No. 315687); and

WHEREAS, on August 29, 2024, the Planning Commission of the City of San Diego considered Site Development Permit No. 3260729, and pursuant to Resolution No. _____ - the Planning Commission voted to recommend _____ of the Permit; and

WHEREAS, on April 24, 2024, the City determined that the Project is consistent with the previously certified Downtown Final Environmental Impact Report (Downtown FEIR) (SCH# 2003041001); and

WHEREAS, the proposed development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265); (2) subsequent addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolutions R-30614), February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561); and

WHEREAS, the proposed development within the DCP area is also covered under the following documents, referred to collectively as the "CAP FEIR": FEIR for the City's Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the

Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595); and

WHEREAS, the Downtown FEIR and CAP FEIR are "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168; the information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City as the Lead Agency; the environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and none of the conditions listed in CEQA Guidelines Section 15162 exist;

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and,

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 3260729:

A. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

1. Findings for all Site Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

The Overture to allow a land use deviation from the maximum land use intensity limit pertains to the Visitor Accommodations use category of the Airport Land Use

Compatibility Overlay Zone (ALUCOZ). Visitor Accommodations within Safety Zone 2E in the Airport Land Use Compatibility Plan are conditionally compatible provided certain regulations are met such as limiting Visitor Accommodations to no more than 56 rooms per acre and prohibiting other uses unless ancillary to the hotel use. Ancillary uses are defined in the ALUCP Policy S.9 as uses primarily intended for use by the employees and occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area of a building. Accordingly, the 24,754-SF (0.57 acre) subject site allows for a maximum of 32 hotel guest rooms. The Overrule raises the maximum land use intensity limit from 32 hotel guest rooms to 60 hotel guest rooms, increases the allowable ancillary use area from 10% to 15.6% of the total gross floor area of the building, and allows other non-ancillary uses (restaurants and office space) for the site. The ancillary uses include hotel amenities such as spa, massage, and gym. The Overrule raises the maximum land use intensity limit, increases the ancillary use area, and allows other uses (restaurant and office) for the subject site. This action is necessary for a development project to move forward at the subject site. Future development of the site will require all necessary permits to allow for construction.

The Overrule satisfies the purpose of the Centre City Planned District which establishes land use regulations to implement the Downtown Community Plan. The subject site is within the Mixed-Commercial land use district of the Centre City Planned District (CCPD-MC). The Mixed-Commercial land use district accommodates a diverse array of uses, including residential, artist studios, live/work spaces, hotels, offices, research and development, and retail. Per Table 156-0308-A of Section 156.0308, visitor accommodations, offices, and eating and drinking establishments are uses permitted by right. Therefore, the proposed uses are allowed in the underlying land use district of the Centre City Planned District.

The Overrule implements the goals and policies of the General Plan by allowing potential mixed-use projects where sites are developed in an integrated, compatible, and comprehensively planned manner involving two or more land uses (LU-B.3). The General Plan Land Use Designation for Downtown, including Little Italy, is Multiple Use. The goal of the Multiple Use designation is to provide a range of single and multiple uses in a setting of high intensity appropriate to Downtown's unique role as the regional center (Table LU-4, Land Use and Community Planning Element of the City's General Plan). Therefore, the deviation to allow a hotel use with other uses meets the General Plan by integrating hotel, office, and restaurant uses that is compatible with the land use intensity of the surrounding existing uses.

The Downtown Community Plan envisions Little Italy as a neighborhood that emphasizes historic qualities with strategic intensification to increase neighborhood vitality. The Overrule will allow a mix of hotel, office, and restaurant uses, thus the Overrule provides an overall balance of uses such as employment and full compendium of amenities and services (Goal 3.1-G-3). With the Overrule, the average intensity for the block (includes the subject site and abutting existing properties) would be 270 people per acre (Sheet AP052, Attachment 5), which is 39 people per acre less than the average occupancy level of the blocks surrounding the

subject site (309 people per acre); therefore, the Overrule maintains a range of development intensities to provide diversity, while maintaining high overall intensities to use land efficiently and permit population and employment targets to be met (Goal 3.2-G-2). The DCP acknowledges that the development intensities in the northern portions of the Little Italy may be restricted due to the location of the San Diego International Airport – Lindbergh Field approach path. The subject site is within Safety Zone 2E in the Airport Land Use Compatibility Plan. Visitor Accommodations within Safety Zone 2E in the Airport Land Use Compatibility Plan are conditionally compatible provided certain regulations are met such as limiting Visitor Accommodation uses to no more than 56 rooms per acre and prohibiting other uses unless ancillary to the hotel use. However, a land use deviation from the maximum land use intensity limit may be requested as a Process Five SDP with an overrule action by the City Council pursuant to Section 132.1555. The overrule will provide a new maximum land use intensity for the site; which will in turn restrict any construction permit to the new maximum land use intensity. Therefore, the proposal will meet Goal 3.2-P-5 in that it will restrict building intensities underneath the approach path to Lindbergh Field consistent with the Airport Land Use Compatibility Plan (ALUCP).

In addition, the Overrule aligns with the City's Climate Action Plan (CAP), specifically Measure 3.5 of Strategy 3 – Mobility and Land Use. The measure focuses on delivering new mixed-use development on sites that are underutilized lots within Transit Priority Area (TPA) and areas of the City with the lowest amount of vehicular travel. Since the subject site is located within the TPA, within close proximity to San Diego International Airport, Downtown amenities, and Trolley lines, it allows residents, employees, and visitors of the subject site to safely and conveniently travel by foot or by transit to the site.

Given the proposed uses are permitted in the underlying land use district and the proposed uses advance the goals of the CCPDO, DCP, GP, and CAP, the Overrule will not adversely affect the applicable land use plans.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The Overrule to allow a land use deviation from the maximum land use intensity limit pertains to the Visitor Accommodations use category of the Airport Land Use Compatibility Overlay Zone (ALUCOZ). Visitor Accommodations within Safety Zone 2E in the Airport Land Use Compatibility Plan are conditionally compatible provided certain regulations are met such as limiting Visitor Accommodations to no more than 56 rooms per acre and prohibiting other uses unless ancillary to the hotel use. Ancillary uses are defined in the ALUCP Policy S.9 as uses primarily intended for use by the employees and occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area of a building. Accordingly, the 24,754-SF (0.57 acre) subject site allows for a maximum of 32 hotel guest rooms. The Overrule raises the maximum land use intensity limit from 32 hotel guest rooms to 60 hotel guest rooms, increases the allowable ancillary use area from 10% to 15.6% of the total gross floor area of the building, and allows other non-ancillary uses (restaurants

and office space) for the site as shown in Table 1 below. The ancillary uses include hotel amenities such as spa, massage, and gym. The Overrule raises the maximum land use intensity limit, increases the ancillary use area, and allows other uses (restaurant and office) identified in Table 1 below for the subject site. This action is necessary for a development project to move forward at the subject site. Future development of the site will require all necessary permits to allow for construction.

Table 1 - Intensity Threshold for Visitor accommodation within Safety Zone 2E – Little Italy ¹			
	Maximum Allowed	Proposed	Difference
Hotel Guest Rooms	32 Rooms	60 rooms	+28 rooms
Ancillary Uses ²	10% (4,309 SF)	15.6% (6,721 SF)	+5.6% (2,412 SF)
Other Uses	Not allowed	Restaurants and Offices	+ Restaurants and Offices

¹ For visitor accommodations, no more than 56 rooms per acre, no conference facilities, and no other uses unless ancillary.

² Ancillary uses are primarily intended for use by the employees/residents/occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area per Airport Land Use Compatibility Plan – Policy S.9.

The applicant submitted an application narrative and supporting diagrams included with the staff report as Attachments 4 and 5. In the submitted documents, they describe the Overrule as compatible with the land use intensity of the surrounding existing uses. The California Airport Land Use Planning Handbook measures and compares compatibility of land use types using intensity (the number of people per acre) and defines compatibility as “uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or (safety) hazards.” The applicant surveyed similar uses and occupancy levels (people per square-foot) within a two-block radius of the subject site to compare the proposed land use intensity for the site to existing surrounding sites, as shown on the drawings (Sheet AP051, Attachment 5). Based upon the survey, the applicant determined that the average occupancy level of the blocks surrounding the subject site is 309 people per acre.

Pursuant to Section 132.1515(h) of the ALUCOZ, hotel uses cannot contain other uses unless they are ancillary to the hotel use. The Overrule will allow visitor accommodations use with non-ancillary uses. In this case, the land use intensity is calculated as a mix of two or more nonresidential uses, per Section 132.1515(c)(3)(B)(iv). The number of people in a building can be calculated by dividing the total floor area of a proposed use by the minimum square feet (SF) per occupant (occupancy factor) requirement listed in Table 132-15J of Section 132.1515. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre (intensity).

As shown in Table 2 below, a 60-hotel room within a 20,196 SF area with an occupancy factor of 200 SF per person equates to 100 people per acre. A wellness center within a 2,412 SF (5.6% over the required 10% of a building area) with an occupancy factor of 215 SF per person equates to 11 people per acre. A restaurant within a 6,831 SF area with an occupancy factor of 60 SF per person equates to 114 people per acre. Lastly, an office use within a 5,300 SF area with an occupancy factor of 215 SF per person equates to 25 people per acre. Thus, the overrule will allow for an average land use intensity of 438 people per acre for the subject site.

Table 2 - Occupancy Load			
	Occupancy Factor	Proposed Uses (SF)	Proposed Occupants (people per acre)
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Ancillary Uses	215 SF/person (Wellness)	6,721 SF	11 ¹
Other Uses	60 SF/person (restaurant)	6,831 SF (restaurant)	114
	215 SF/person (office)	5,300 SF (office)	25
Auxiliary Back of House	0	4,042 SF	0
Total Occupancy		43,090 SF	250
Site Area		24,754 SF (0.57 acre)	
Total Occupancy Level for Site			438 ²

¹ Based on the 2,412 SF beyond the 10% ancillary use limitation per Footnote 5 to Table 142-15I of Sec. 132.1515(h). 4,309 SF of ancillary use is permitted by right.

² Total occupancy for the site is derived from 250 people / acre divided by 0.57 acre.

Given the intensity for each use in Section 132.1515(h), the Overrule will allow for an average land use intensity of 438 people per acre for the subject site; however, as the applicant’s survey concluded, the average intensity for the block (includes the subject site and abutting existing properties) would be 270 people per acre (Sheet AP052, Attachment 5), which is 39 people per acre less than the average occupancy level of the blocks surrounding the subject site (309 people per acre).

The subject site is within the 75+ decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies Visitor Accommodation, Office and Eating & Drinking Establishment uses located within the 75+ dB CNEL noise contour as conditionally compatible with airport uses, provided that sleeping rooms

are sound attenuated to 45 dB CNEL interior noise level and other indoor areas are attenuated to 50 dB CNEL interior noise level. Any construction permit must adhere to Noise Compatibility requirement pursuant to Section 132.1510 such as providing noise attenuation via the use of STC rated windows and doors to achieve a 45 db CNEL interior noise level within sleeping rooms and 50 dB CNEL noise level within other interior areas. The ALUC consistency determination acknowledges the location of the site in the 75+ dB CNEL noise exposure but does not state an inconsistency or objection based upon noise.

The subject site is within the Review Area 1. Within each airport influence area, an airspace protection area is designated to protect navigable airspace and to avoid creation of hazards to aircraft in flight in accordance with Code of Federal Regulations, Title 14, Part 77 (Federal Aviation Regulations Part 77). Any construction permit must adhere to the Airspace Protection Compatibility requirement pursuant to Section 132.1520 such as obtaining a Determination of no Hazard to Air Navigation from the Federal Aviation Administration and an avigation easement for airspace to be recorded with the County Recorder. The ALUC consistency determination stated that the project would be compatible with the ALCUP airspace protection surfaces provided that the structure is marked and lighted in accordance with a Determination of no Hazard to Air Navigation from the Federal Aviation Administration and an avigation easement for airspace to be recorded with the County Recorder. As such, the proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.

The number of people in the subject site is lower than the average intensity of neighboring blocks, thus minimizing non-residential intensity and activities that attract people in the location and the risk resulting in the Overrule is no greater than that currently exist within the vicinity of the airport. In addition, the ALUC consistency determination does not state an inconsistency or objection based upon noise and airspace protection. Therefore, it is not detrimental to the public health, safety, or welfare of the community and it will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The Overrule to allow a land use deviation from the maximum land use intensity limit pertains to the Visitor Accommodations use category of the Airport Land Use Compatibility Overlay Zone (ALUCOZ). Visitor Accommodations within Safety Zone 2E in the Airport Land Use Compatibility Plan are conditionally compatible provided certain regulations are met such as limiting Visitor Accommodations to no more than 56 rooms per acre and prohibiting other uses unless ancillary to the hotel use. Ancillary uses are defined in the ALUCP Policy S.9 as uses primarily intended for use by the employees and occupants of a land use project and cumulatively occupy no more than 10 percent of the total floor area of a building. Accordingly, the 24,754-SF

(0.57 acre) subject site allows for a maximum of 32 hotel guest rooms. The Overrule raises the maximum land use intensity limit from 32 hotel guest rooms to 60 hotel guest rooms, increases the allowable ancillary use area from 10% to 15.6% of the total gross floor area of the building, and allows other non-ancillary uses (restaurants and office space) for the site. The ancillary uses include hotel amenities such as spa, massage, and gym. The Overrule raises the maximum land use intensity limit, increases the ancillary use area, and allows other uses (restaurant and office) for the subject site. This action is necessary for a development project to move forward at the subject site. Future development of the site will require all necessary permits to allow for construction.

A land use deviation from the maximum land use intensity limit may be requested as a Process Five SDP with an overrule action by the City Council pursuant to Section 132.1555 and in accordance with Municipal Code sections 132.1550(c)(2).

On November 9, 2023, the Applicant submitted an application for a Site Development Permit (SDP) No. PRJ-1107392 to allow a deviation from the intensity thresholds established in the Airport Land Use Compatibility Overlay Zone (ALUCOZ) of the San Diego Municipal Code (SDMC). The deviation includes raising the maximum land use intensity limit, increasing the ancillary use area, and allowing other uses for the Visitor Accommodation use provisions as outlined in Table 132.151 of the SDMC Section 132.1515(h). Proposed uses identified as limited within the ALUCOZ that deviate from intensity thresholds are required to obtain a consistency determination from the ALUC prior to approval of the use pursuant to Section 132.1550(c) of the SDMC. If ALUC determines a proposed use is inconsistent with the ALUCP, then an overrule action by the City Council may be requested as a Process Five SDP pursuant to Section 132.1555.

On December 15, 2023, an application was submitted to ALUC for a Determination of Consistency, and a determination letter from ALUC was received on January 5, 2024, determining that the proposed uses and intensity are inconsistent with the ALUCP. Pursuant to Section 21676.5(a) of the CPUC, the City Council has the authority to overrule the ALUC's determination. Upon receiving the ALUC determination of inconsistency, the Applicant requested to proceed with a City Council overrule of the ALUC inconsistency determination.

The applicant proposes the Overrule will be compatible with the land use intensity of the surrounding existing uses. The California Airport Land Use Planning Handbook measures and compares compatibility of land use types using intensity (the number of people per acre) and defines compatibility as "uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or (safety) hazards." The applicant surveyed similar uses and occupancy levels (people per square-foot) within a two-block radius of the subject site to compare the proposed land use intensity for the site to existing surrounding sites, as shown on the drawings (Sheet AP051, Attachment 5). Based upon the survey, the applicant determined that the average occupancy level of the blocks surrounding the subject site is 309 people per acre.

Pursuant to Section 132.1515(h) of the ALUCOZ, hotel uses cannot contain other uses unless they are ancillary to the hotel use. The Overrule will allow visitor accommodations use with non-ancillary uses. In this case, the land use intensity is calculated as a mix of two or more nonresidential uses, per Section 132.1515(c)(3)(B)(iv). The number of people in a building can be calculated by dividing the total floor area of a proposed use by the minimum SF per occupant (occupancy factor) requirement listed in Table 132-15J of Section 132.1515. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre (intensity).

As shown in Table 2 below, a 60-hotel room within a 20,196 SF area with an occupancy factor of 200 SF per person equates to 100 people per acre. A wellness center within a 2,412 SF area (5.6% over the required 10% of a building area) with an occupancy factor of 215 SF per person equates to 11 people per acre. A restaurant within a 6,831 SF area with an occupancy factor of 60 SF per person equates to 114 people per acre. Lastly, an office use within a 5,300 SF area with an occupancy factor of 215 SF per person equates to 25 people per acre. Thus, the overrule will allow for an average land use intensity of 438 people per acre for the subject site.

Table 2 – Occupancy Load			
	Occupancy Factor	Proposed Uses (SF)	Proposed Occupants (people per acre)
Hotel Guest Rooms	200 SF/person	20,196 SF	100
Ancillary Uses	215 SF/person (Wellness)	6,721 SF	11 ¹
Other Uses	60 SF/person (restaurant) 215 SF/person (office)	6,831 SF (restaurant) 5,300 SF (office)	114 25
Auxiliary Back of House	0	4,042 SF	0
Total Occupancy		43,090 SF	250
Site Area		24,754 SF (0.57 acre)	
Total Occupancy Level for Site			438 ²

¹ Based on the 2,412 SF beyond the 10% ancillary use limitation per Footnote 5 to Table 142-15I of Sec. 132.1515(h). 4,309 SF of ancillary use is permitted by right.

² Total occupancy for the site is derived from 250 people / acre divided by 0.57 acre.

Given the intensity for each use in Section 132.1515(h), the Ovrerule will allow for an average land use intensity of 438 people per acre for the subject site; however, as the applicant's survey concluded, the average intensity for the block (includes the subject site and abutting existing properties) would be 270 people per acre (Sheet AP052, Attachment 5), which is 39 people per acre less than the average occupancy level of the blocks surrounding the subject site (309 people per acre). The number of people in the subject site is lower than the average intensity of neighboring blocks, thus minimizing non-residential intensity and activities that attract people in the location and the risk resulting in the Ovrerule is no greater than that currently exist within the vicinity of the airport; therefore, it is not detrimental to the public health, safety, or welfare of the community. Accordingly, the Ovrerule complies with any allowable deviations pursuant to the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Site Development Permit No. 3260729 is hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 3260729, a copy of which is attached hereto and made a part hereof.

Johnwilly Aglupos
Development Project Manager
Development Services Department

Adopted on: August 29, 2024

IO#: 24009750

fm 7-17-17

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24009750 SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 3260729
ALUC OVERRULE AT 2345 KETTNER BOULEVARD - PROJECT NO. 1107392
CITY COUNCIL

This Site Development Permit No. 3260729 is granted by the City Council of the City of San Diego to Inside Voice Ventures, LLC, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0505 and 132.1550(c)(2) to overrule the determination of inconsistency with the San Diego International Airport (SDIA) Land Use Compatibility Plan by the San Diego County Regional Airport Authority, acting as the Airport Land Use Commission (ALUC) for SDIA, to allow a deviation from the maximum land use intensity of the Airport Land Use Compatibility Overlay Zone to allow a deviation from the maximum land use intensity of the Airport Land Use Compatibility Overlay Zone to allow hospitality, restaurant, office, and wellness center on the 24,754 square-foot (SF) site at the northeast corner of Kettner Boulevard and West Juniper Street at 2311-2345 Kettner Boulevard and 2328 India Street in the Mixed-Commercial land use district of the Centre City Planned District (CCPD-MC) and Little Italy neighborhood of the Downtown Community Plan (DCP) area ("Downtown").

The subject site is legally described as Lot 3 In Block 66 of Middletown, in the City Of San Diego, County Of San Diego, State Of California, According to Partition Map thereof made by J.E. Jackson, on file in the Office of the County Clerk; 2311 Kettner Boulevard, and legally described as Lot 6 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State Of California, According to Partition Map made by J.E. Jackson, filed in the Office of the County Recorder of said San Diego County, October 19, 1874.; 2321 Kettner Boulevard, and legally described as Lot 5 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map thereof made by J. E. Jackson on file In the Office of the Clerk of said County; 2327 Kettner Boulevard, and legally described as Lot 4 In Block 66 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map therefore made By J. E. Jackson on file in the Office of the Clerk of said County; and 2328 India Street, and legally described as Lot 10 In Block 66 of Middletown, in the City Of San Diego, County of San Diego, State of California, According to the Map thereof made By J. E. Jackson on File in the Office of the Clerk of said County

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permitted to utilize the subject site as described and identified by size, dimension, quantity, type,

and location on the approved exhibits (Exhibit "A") dated _____, on file in the Development Services Department (DSD).

The overrule shall include:

- a. Site Development Permit (SDP): A deviation from SDMC Section 132.1515(h) of the Airport Land Use Compatibility Overlay Zone pursuant to SDMC Section 132.1550(c)(2) to increase the maximum land use to total 438 people per acre on the site for hospitality, restaurant, office, and wellness center land uses as follows:
 - Increase the maximum number of hotel guest rooms for a visitor accommodations land use from 32 to 60 hotel guest rooms;
 - Increase the maximum ancillary use area for visitor accommodations land use from 10% 15.6% of the gross floor area of the building;
 - Allow non-ancillary restaurant and office land uses not to exceed 6,831 SF and 5,300 SF respectively.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by _____ [3 years, including the appeal time].
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

9. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL REQUIREMENTS:

10. Mitigation requirements in the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, SCH NO. 2003041001 Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
11. The mitigation measures specified in the MMRP and outlined in the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, SCH NO. 2003041001, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
12. The Owner/Permittee shall comply with the MMRP as specified in the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, SCH NO. 2003041001, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:
 - Air Quality
 - Historical Resources
 - Land Use
 - Noise
 - Paleontological Resources
 - Traffic and Circulation

AIRPORT REQUIREMENTS:

13. Prior to issuance of a building permit, the Owner/Permittee shall provide a "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).
14. Prior to the issuance of any building permit, the Owner/Permittee shall grant an aviation easement to the San Diego County Regional Airport Authority as the operator of the San Diego International Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the aviation easement form provided by the San Diego County Regional Airport Authority.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

ATTACHMENT 12

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____ and Resolution No. _____.

ATTACHMENT 12

Site Development Permit No.: 3260729
Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Johnwilly Aglupos
Development Project Manager, Urban Innovation Division
Development Services Department

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Inside Voice Ventures, LLC
Owner/Permittee

By _____
Signature
PRINT NAME:
TITLE:

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

PLANNING COMMISSION RESOLUTION NO. _____-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A SITE DEVELOPMENT PERMIT FOR AN OVERRULE OF A DETERMINATION OF INCONSISTENCY WITH THE SAN DIEGO INTERNATIONAL AIRPORT (SDIA) AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) AND APPROVE SITE DEVELOPMENT PERMIT NO. 3260729;

ALUC OVERRULE AT 2345 KETTNER BOULEVARD - PROJECT NO. 1107392

WHEREAS, INSIDE VOICE VENTURES, LLC, Owner/Permittee, requested a Site Development Permit No. 3260729 to propose a hotel with 60 guestrooms and supporting offices totaling 24,238 square feet, a wellness center of 6,721 square feet with a locker room of 1,694 square feet, offices totaling 5,300 square feet, two restaurants totaling 6,831 square feet, and a rooftop garden and underground parking for a total of 43,090 square feet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3260729) on portions of a 0.57 acre project site located at 2345 Kettner Boulevard in the Mixed-Commercial land use district of the Centre City Planned District (CCPD-MC); and

WHEREAS, on December 15, 2023, the Airport Land Use Commission (ALUC) Determination Application was submitted to the San Diego County Regional Airport Authority (SDCRAA), serving as the ALUC, for a determination of consistency with the Airport Land Use Compatibility Plan (ALUCP) because the proposed use deviates from intensity thresholds for uses identified as "limited" within the Safety Zone 2E Centre City - Little Italy of the Airport Land Use Compatibility Plan; and

WHEREAS, on January 5, 2024, the SDCRAA, acting in its capacity as the ALUC, reviewed the ALUC Determination Application and determined it is not consistent with the ALUCP because it exceeds the ALUCP's allowable intensity for Visitor Accommodation use, specifically the limitation of having no more than 56 rooms/acre and cannot have other uses unless the use is ancillary; and

WHEREAS, an application was filed with the City of San Diego for a Site Development Permit to request the City Council propose a decision to overrule the determination of inconsistency with the San Diego International Airport (SDIA) Land Use Compatibility Plan by the SDCRAA, acting as the ALUC for SDIA, to allow a land use deviation from the maximum land use intensity limit; and

WHEREAS, City staff determined the proposed use and intensity exceed the maximum intensity established by the ALUCP for a Visitor Accommodation use, and a City Council overrule of this inconsistency determination is required pursuant to Municipal Code Section 132.1555; and

WHEREAS, the overrule requires a Site Development Permit for the City Council to overrule the determination of inconsistency within Safety Zone 2E of the ALUCP in accordance with Municipal Code sections 132.1555 and 132.1550(c)(2); and

WHEREAS, on July 16, 2024, pursuant to the California Public Utilities (CPUC) and San Diego Municipal Code (SDMC), City Council voted 9-0 to propose to overrule the SDCRAA's determination of inconsistency (Resolution No. 315687); and

WHEREAS, on April 24, 2024, the City determined that the Project is consistent with the previously certified Downtown Final Environmental Impact Report (Downtown FEIR) (SCH# 2003041001); and

ATTACHMENT 13

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego [overrule or not overrule] the inconsistency determination and _____ Site Development Permit No. 3260729.

Johnwilly Aglupos
Development Project Manager
Development Services Department

Dated July 24, 2024
By a vote of: x:x:x

Internal Order Number: 24009750